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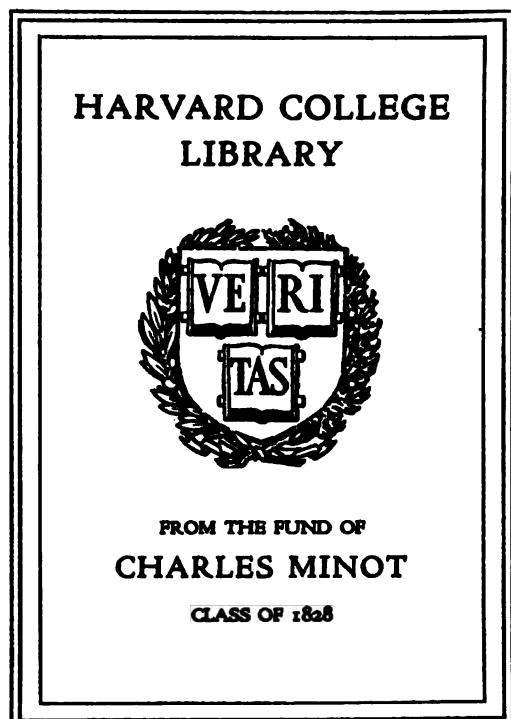
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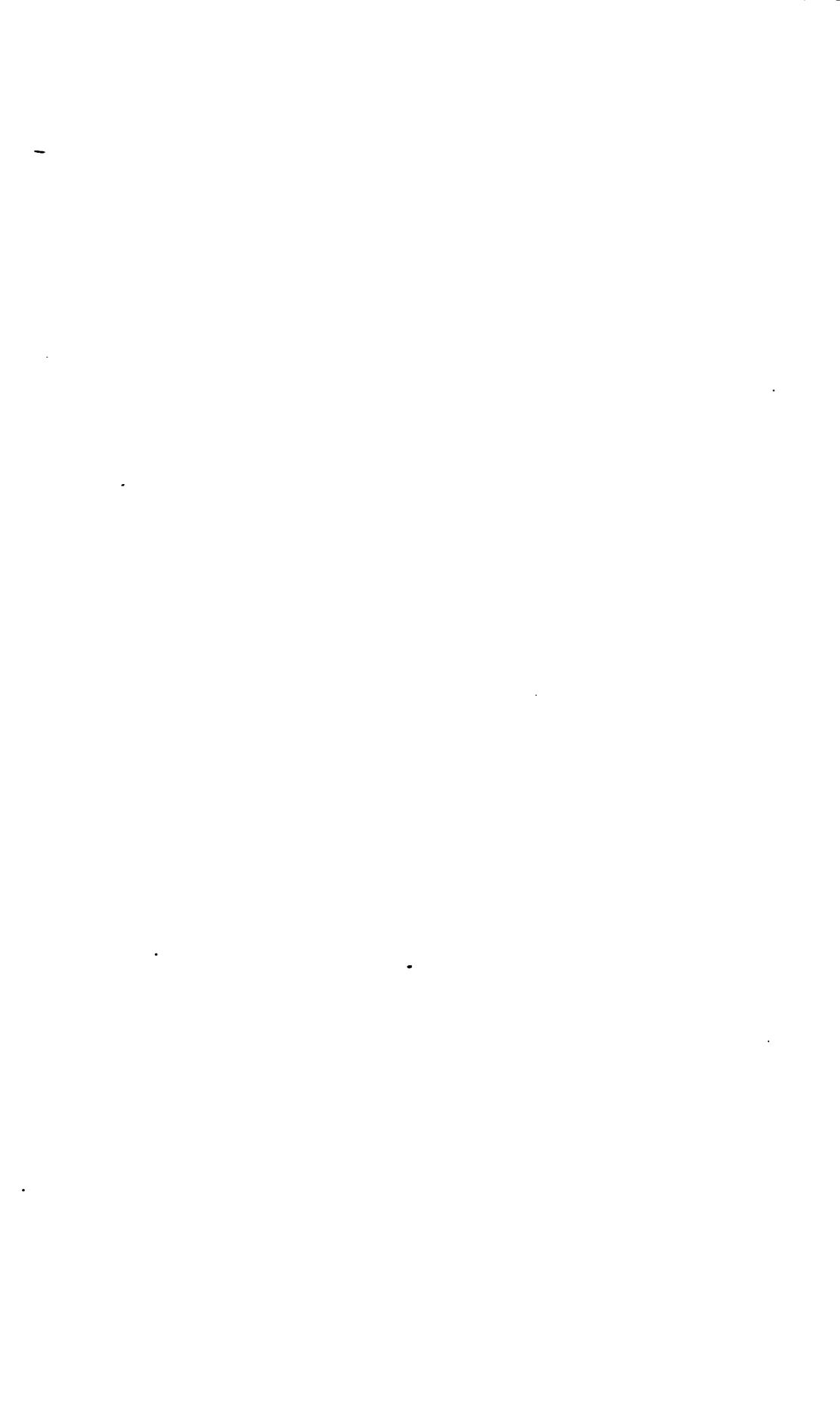
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Dr 11202.60







Ireland - Law, Statute, &c.

STATUTES AND ORDINANCES, AND ACTS OF THE PARLIAMENT OF IRELAND.

Vol. I.

KING JOHN to HENRY V.

EDITED BY

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Barrister-at-Law.

UNDER THE DIRECTION OF THE MASTER OF THE ROLLS IN IRELAND.

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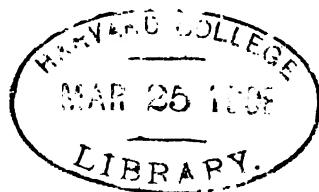
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P R E F A C E.

THE earliest printed edition of the Statutes of Ireland is that of Sir Henry Sydney, which was published in London, by R. Totell, 1572, with the following title :— “ In this volume are contained all the Statutes from the tenth yere of King Henrie the Sixt, to the xiii. yere of our most gracious and soueraygne lady Queene Elysabeth ; made and established in her Highness’ Realme of Ireland.” Anthony & Wood, in his *Athen. Oxon.* (Vol. I., col. 513), notices the volume, stating that he had seen Sir Henry Sydney’s Miscellanies of Irish Affairs ; “ who had also caused the Statutes of Ireland to be first published in print.” Sir Henry, who acted as Lord Justice or Lord Deputy of Ireland on four occasions during the period 1558-1578, published his work on the conclusion of his third Viceroyalty, and states in his Preface that he had caused the Justices of both Benches, the Chief Baron of the Exchequer, and the Master of the Rolls of Ireland, to confer together for the copying out and examining such Statutes as were then of record and not published ; which they did, and delivered the same perfectly written and examined. As this edition only commenced at the period when Vol. II. of the present edition will begin, no further notice of it is necessary here.

Sir Richard Bolton, who was Recorder of Dublin, and represented that city in Parliament in 1613, who became Chief Baron of the Exchequer in 1625, and finally Lord Chancellor of Ireland in 1639, published

an edition of the Irish Statutes, which was printed in Dublin, 1621,¹ by the Society of Stationers, then printers to His Majesty, under the title, “The Statutes of Ireland, beginning the Third year of King Edward the Second, and continuing until the Parliament begun in the eleventh year of the Reign of our most gracious sovereign Lord King James, and ended in the thirteenth year of his Reign of England, France, and Ireland. Newly perused and examined with the Parliament Rolls; and divers Statutes imprinted in this Book, which were not formerly printed in the old Book.” Sir Richard’s Preface is worthy of perusal.

For the entire period, down to the end of the reign of Henry V., which is that covered by the present volume, there are included in the edition of 1621, &c., only some five chapters of the Statutes passed in the third year of King Edward II., which occupy but two pages of the volume. This is also the case with the next collection—that of 1765—“The Statutes at large, passed in the Parliaments held in Ireland,” which was printed in Dublin by Boulter Grierson. Vol. I. extends from 3 Edward II. to 1612 inclusive. Of about 1,300 chapters of the enactments of the early Anglo-Irish Parliaments, contained in the rolls and records down to and including the reign of Richard the Third, only about sixty-six are to be found in the hitherto published editions of the Statutes of Ireland. This was a calculation made by the late Sir John Gilbert, who testified that the most valuable illustrations of the history of the English government in Ireland are derivable from these Anglo-Irish Statutes. (*History*

¹ This volume was reprinted in 1678 by Benjamin Tooke, printer to His Majesty, with the addition of the Acts to the Session 17 and 18 Charles II.; and it was again reprinted in 1723, without further additions.

PREFACE. ▼

of Dublin, Vol. I., preface to ed., 1854.) The fact that so few of these enactments had been printed, and their great importance, induced the Irish Record Commissioners, in the early part of the nineteenth century, to take measures for their publication; and on 18th February, 1811, they resolved that a complete and authentic edition of the Statutes and Ordinances of Ireland should be prepared and printed. It was to include "every law, as well those repealed or expired, as such as were then in force, with a Chronological list and Tables of the principal matters." With a view to this plan being carried out, Sub-Commissioners on the Statutes were appointed; the English Sub-Commissioners were communicated with, and by 25th March, 1812, some hundreds of ancient Statutes, &c., previous to the tenth year of King Henry VII. had been collected and transcribed. In 1817, report was made that search had taken place in several repositories in England, and in 1819, such progress had been made in collecting materials for notes, introductory matter, tables, &c., that it seemed as if the work would soon issue. In a report of the Sub-Commissioners, dated 1st February, 1820 (Vol. II., p. 645), submitting their views, they pointed out that they had been ordered to follow, without any deviation, the plans of the English Sub-Commissioners, and were further directed, at a later period, to include in their edition English Statutes binding in Ireland, "of which transcripts should be found upon our rolls, or in books of record in this country."

With respect to the nature of the materials for their work, the Sub-Commissioners stated that most of it threw light on the ancient laws and history of Ireland. Sir Richard Bolton, in his dedicatory epistle, prefixed

to his edition of 1621, states that he printed Statutes formerly printed and not expressly repealed, for two reasons, "the one, lest peradventure any should unadvisedly taxe me of partialitie, that matters of greater moment were omitted, and matters of lesse consequence published; and the other was, that although the said Statutes be out of use or determined at this day, yet the same may well serve for an historicall use, whereby the judicious reader may partly discerne both the state of the Church and Commonwealth in those times." Similar motives had influence in determining the plan formed for the present volume. Most subsequent laws are made with reference to those which have gone before, of which they are usually corrections or improvements. For the better understanding of the legislation of later periods, then, it is of the utmost importance to the historian and statesman, to be furnished with authentic transcripts of the ordinances enacted in prior periods.

It was not until the year 1822, that the printing of the Commissioners' contemplated edition of the Statutes came under consideration, but by 1824, it appears to have been abandoned, and the publication of the ancient Statutes and Ordinances of Ireland was reported as "suspended." The question of expense seems to have weighed largely with Government when the question of printing came before them; and difficulties appear to have arisen among the Record Commissioners themselves through an endeavour to treat the work from an exclusively legal point of view. In a work of the kind (and especially in one planned as the present) this would be well-nigh impossible, and could only have led the Commissioners to ultimate failure. For the early period covered by the present

volume, the enactments contained in it must chiefly be looked at from the standpoint of the historian, while the student of law will find much of great importance to him. The aim has been to afford to both authentic data for their investigations and conclusions.

The materials for the edition contemplated by the Record Commissioners, including drafts, fair transcripts and translations, which had been deposited in the State Paper Department, Dublin Castle, were transferred to the Public Record Office; and Sir Samuel Ferguson, during his tenure of office as Deputy Keeper of the Records, purposed to have the task of revision, with a view to publication, undertaken. Owing to the pressure of more absolutely necessary business, however, the work had to be postponed. His successor, Dr. J. J. Digges La Touche, later on, thought that the time had come when it might be undertaken anew, and under his supervision, considerable progress was made in comparing the Record Commissioners' transcripts and translations with the original records. At his death, it was still unfinished, and among the earliest plans formed by the present Deputy Keeper of the Records, on his appointment, was that of bringing to completion the publication of these early Statutes, &c., the preliminary steps for which had been taken nearly ninety years previously. The Right Hon. Sir A. M. Porter, Bart., Master of the Rolls in Ireland, authorised the scheme; the sanction of the Commissioners of H. M. Treasury was obtained, and a letter of the Under Secretary, dated 10th April, 1901, conveyed the approval of His Excellency the Lord Lieutenant of Ireland.

This edition deals with what appears, at each particular period, to have been promulgated as the

Statute law in Ireland; under the older Kings, by writs and mandates, addressed by virtue of their royal prerogative, to the executive and legal officials in this country; Statutes and Ordinances passed in Ireland; and such as when made in England, were, by the King's authority, transmitted for observance here. Lynch, in his *Feudal Dignities*, remarks that by such writs, patents, and ordinances, the Common Law was expounded, and enforced. At what period or in what reign the King's ordinances completely yielded to the more constitutional authority of parliamentary enactments, has never yet been precisely ascertained. This edition is based on the historical value of the rolls and records; and the historical and constitutional weight of the entries is quite unaffected by any present-day legal value which the acts may claim to possess. Hence the edition endeavours to bring together and embody at one comprehensive view, every writ, ordinance, and statute now extant, known to have been of force in Ireland from the time of King John to the end of the reign of Henry the Fifth—in other words, all acts and proceedings of the Parliament in Ireland, or of the Statute law recorded as being, by due sanction, directed for observance here. This necessitated a considerable addition to the work of the Record Commissioners, as is evident from the fact that while their first volume of fair transcripts intended for publication, included (up to the last-mentioned date) twenty-six documents, the present work numbers ninety writs, ordinances, and statutes.

The decision to limit Volume I. of this edition to the end of the reign of Henry V. was come to, in consequence of the series of statute rolls commencing in the reign of Henry VI. While the material for this

volume has been derived from various manuscript sources, the contents of future ones will be drawn from the statute rolls themselves, and some progress has already been made in the preparation of Volume II.

In this collection, the translations of English statutes, and ordinances of the King and Council in England, which were transmitted to be observed in Ireland, are printed in smaller type.

Where such are found in the *Statutes of the Realm*, independent translations have been made, and thus the language has been modernised. When the text of such statutes or of the mandates sanctioning them is extant in the Irish Records, or has not yet been published in works of authority, it is here printed.¹ Otherwise, a translation only is printed here, and a reference given to the work in which the text may be found.

It now becomes necessary to direct attention to the original MS. sources dealt with.

1. The Irish Statute Rolls. (These, however, do not come within the limits covered by this volume.)
2. Records of parliament prior to the reign of Henry VI. These are contained principally in the Red Book of the Exchequer in Ireland, which may be said to be mainly a corpus of the Statute law, probably at first compiled about the time of Edward I., for the guidance of the Court of Exchequer. In it are found the Great Charter of Ireland, 1 Hen. III.; the Statutes of Mortmain, Rhuddlan, Westminster the First and Second, Gloucester, and Merchants; certain ordinances

¹ In one or two cases, entries have been published in the series of Calendars of Patent and Close Rolls printed by the English Record Office, since these pages went to press.

of the parliament of Kilkenny, 3 Edward II.; the Statute concerning False money; the Statutes of Lincoln and York; ordinances of parliaments at Dublin; Petitions to the King, 16 Edward III., the answers to which were to be treated as ordinances; the Statute of Absentees, 3 Richard II.; the Statutes enacted as to the jurisdiction of Admirals, 13 and 15 Richard II., and a Statute at Dublin, 11 Henry IV., as to labourers and sheriffs.

The Red Book also contains a set of *Articuli Cleri*, 19 Edward I. (1291), which are of extreme interest to the Irish ecclesiastical historian, especially as they have not hitherto been printed, and are practically unknown. The *Articuli Cleri* in *Statutes of the Realm* (Vol. I., p. 171) are dated 9 Edward II. (1316), so that the Irish articles are the more remarkable as being twenty-five years anterior in point of date to the English ones. The articles are in the form of complaints by Irish prelates and clergy, with replies by the Justiciar, and further replies by the King himself, which laid down the law on each subject. The references to local customs and rights in particular dioceses are frequent, and Lynch, in his *Feudal Dignities*, in a short notice of these articles, remarks that ecclesiastical jurisdiction in Ireland at the period, appears to have been of the most extensive character. The subjects complained of include the intrusion of the secular power and its officials into the affairs of the Church, notably in the matter of clerks being compelled to obey the law of the land as to capture of felons; as to sanctuary; ill-treatment and arrest of clerics engaged in spiritual ministrations; also as to prohibitions. They also deal with cognisance by Courts Christian of purely

ecclesiastical crimes; of their jurisdiction in testamentary matters, and in marriage and divorce; and as to the right of Excommunication.

Publication of the Red Book had been in contemplation, but since the text of the greater portion of its contents appears in the present volume, the necessity for this is now obviated. The Editors of the *Statutes of the Realm* had used it for the collation of certain statutes, but it was not resorted to for various readings in the cases of the Statutes of Gloucester, *De Viris Religiosis* (or *Mortmain*), Rhuddlan, Merchants, Lincoln, and York.

3. The Patent and Close Rolls of Ireland.
4. The Patent and Close Rolls of England.
5. The Plea and Justiciary Rolls of Ireland.
6. Memoranda Rolls of the Exchequer, Ireland.

These are all legal official records, in which enactments and ordinances are usually found enrolled, and they are, of necessity, of the highest authority.

There is a further source which has been drawn on, in the shape of records, which, while official in character, not being preserved in legal repositories, are not, perhaps, of equal importance in point of authority.

7 (a). First in this miscellaneous class, stands a civic record, the *Liber Albus* of the Corporation of Dublin. As the statutes and ordinances enrolled in the pages of this venerable record were transmitted by writ to the mayor and bailiffs of Dublin, for proclamation and observance, it is the authority for including them among statutes applicable to Ireland.

(b). The *Liber Niger* of Christ Church Cathedral, Dublin, a record which contains the enactments of an Irish parliament (see p. 195) and enrolments of some English statutes.

- (c). MSS. in the British Museum.
- (d). Carew MSS., in the Library of Lambeth Palace.
- (e). A MS. in the Ussher Collection, Library of Trinity College, Dublin, which contains transcripts or abridgments of certain Irish statutes.
- (f). The Red Book of the Diocese of Ossory contains an *InspeXimus* of the Magna Carta of K. Henry III. (English); Statute of Westminster the Second, 13 Ed. I.; ordinances and statutes made at Kilkenny, 1351;¹ and the ordinances against absentees from Ireland, 1379-80.

Attention must be directed to the proceedings recorded in pp. 229-237 of this work, as being of especial interest to the student of the growth and manner of parliamentary procedure at an early period of its institution in Ireland. In 1300, the King issued his writ, assigning to two officials the duty of asking contributions towards an Irish subsidy, in aid of his war with Scotland, which was sent to all cities and burghs throughout Ireland. The Justiciar thereupon summoned a general parliament to meet at Dublin, to which were summoned representatives of counties, cities, and burghs. Before its meeting, he decided to hold interviews with the mayors and citizens of the cities and burghs to be represented, when they promised contributions towards the subsidy. Parliament then met, but the members, speaking as representatives of their separate constituencies, pleaded want of authority to grant the subsidy, and suggested to the Justiciar that he should personally apply to the localities they represented. He acted on the suggestion,

¹ The enrolment in the Red Book of Ossory has been collated with that in the Memoranda Roll. (See p. 374.) In clause 3 of these ordinances, the word *menour* in the Mem. Roll appears as *messour* in the Red Book; the clause numbered 15 in the latter, as to the Usher of the Exchequer taking only 20*s* for his fee, is not found in the Roll; and in clause 28, as to taking Sheriffs' accounts, Waterford is substituted for Wexford.

and received further contributions. Again, in 1310, writs were issued to certain magnates, for a Parliament to meet at Kilkenny. The sheriffs were also to summon representatives of the counties, cities, and burghs, to assist the Justiciar and council in making ordinances. In this Parliament, the King requested the assembly to choose two prelates, and two men of note, who were to choose sixteen of the wisest men, for deliberation. Certain prelates and magnates were elected, and sworn, and they seemed to have formed an inner council of representatives for the enactment of ordinances.

It is remarkable that nineteen of the ordinances made in the parliament of Kilkenny, 1366, had been previously enacted in almost precisely the same words in a parliament of 1351, held in the same city.

With regard to the Petitions or form of Declaration sent to King Henry V. in the ninth year of his reign from a parliament assembled at Dublin, some doubt may arise as to the propriety of printing the document in a volume of professedly statutable enactments, inasmuch as the King's answers are not annexed. Such answers, as in previous instances, would have had legislative force, but as the articles, merely in the form of complaints, throw much light on the government of this country and its social state during the period, and since they issued with the authority of the Irish parliament, there seemed every reason for including them. The Statute of Marlborough, 52 Hen. III., which in Ireland is only found in the Liber Niger of Christ Church, is not included in this collection. Being an English statute, not enrolled in any legal record, and no King's writ appearing for its observance here, it did not come within the rules laid down. So

long after its enactment, however, as the 13 Edward II., a parliament at Dublin agreed to hold it. It will be found in *Statutes of the Realm*, I., p. 19.

During the reign of King John commenced the gradual extension of English law over Ireland. Just as in England, a body of law was being formed here, based on writs that issued out of Chancery, and on judicial decisions. Pollock and Maitland, in their *History of English Law*, remark that a collection of formulas which Henry the Third sent to the Irish Chancery in 1227, shows by comparison with Glanvill's *Treatise*, how the number of writs to be had, of course, had grown in forty years. The writ transmitting this collection of formulas, is printed at p. 22 of this work. The collection is not found in any public legal record; but a description of the contents of the Register of Writs is given in the *Harvard Law Review*, 1889 (Vol. III., p. 110), in an article on it by the late Professor F. W. Maitland.

Statutes made in England, which were to be observed in Ireland, were sent by means of a transcript under seal from England, to the Chancery of Ireland, with a writ for their enrolment directed to the Chancellor. From the Chancery, they were exemplified under the great seal of Ireland, and sent to the two Benches and the Exchequer, and they were frequently proclaimed in the counties. Sometimes the writ requiring proclamation was addressed to the Justiciar.

A Statute such as that made at Rhuddlan, 12 Edward I., which solely concerned the revenue, sheriffs' accounts, and their mode of accounting, &c., appears only to have been transmitted from England by writ addressed to the Treasurer, Barons, and Chamberlains of the Exchequer.

The Calendar of the Justiciary Rolls of Ireland, 1295-1303, recently published, affords highly important evidence of the mode in which the Irish courts administered the law, and a reference to the Index of Subjects shows that the following English statutes were directly cited in cases before the Justiciar's Court in Ireland for that period, viz. :—Merton, Mortmain, Westminster I. and II., Gloucester, Merchants, Quia Emptores, and False Money. All these, save Quia Emptores, were transmitted for observance here, and treated as the law of the land. The presumption is, that though its enrolment here is not now forthcoming, this Statute had also been duly transmitted.

In his Preface, the editor remarks that the law administered in the Justiciar's Court was the common law of England, and such statutes as were transmitted to be acted on in Ireland. A case is cited as tending to suggest that a statute of England might be considered to be of force here, even though it lacked such sanction. In this connection, as to the decisions of the courts under English statutes, the publication of the later volumes of this series of Calendars will be important to students of ancient legal procedure in this country. The Statute of Mortmain and chapter XVIII. of the Statutes of Westminster the second, as to election in recovery of debt, appear to have been before the Justiciar's Court more frequently than any of the others; and when the remaining Calendars appear, we shall be in a more favourable position for judging the amount of weight and authority accorded to these English Statutes by our Irish judicial bench.

In the interpretation of the law, the customs and usages of Ireland had frequently to be taken into account. The custom as to Dower had always the

force of law in this country, and special usages prevailed here in wardship, forfeiture, distress, &c. For that as to the goods of a Testator, see p. 227. Ancient Irish custom as to hostages is cited at p. 443; and the customs and usages of Ireland are frequently mentioned as being reserved in particular instances. In the matter of Writs of Bounds, it was directed that in land inhabited by Irish, bounds should be made according to the custom of Ireland; while in places inhabited by English, they should be according to the custom of England. (Close Roll, Eng., 7 Hen. III., m. 19.)

From the time of Edward the First, a large number of enrolments in the Justiciary Rolls of the Exchequer are entitled "Pleas of Parliament," which include suits, petitions, and questions of a public character and of such importance that the adjudication on them of the Justiciar and Council in parliament was deemed necessary. The decisions in many instances might rank as ordinances, but while it seemed necessary to mention them, it was felt that their peculiar nature, the distinctly local character of many of them, and their great number, precluded the possibility of including these pleas in the work.

In the appendix will be found enumerated, as recited in records, several ordinances and proceedings in parliaments and great councils, which either have not sufficient authority to be placed in the body of the work, or like the Pleas of Parliament, are only of a local or temporary nature.

Thanks are due to the Right Rev. Dr. Crozier, Bishop of Ossory; to the Very Rev. the Dean of Christ Church, Dublin; the Librarian of Trinity College,

Dublin; the Town Clerk and Corporation of the City of Dublin; G. F. Warner, Esq., D. Litt., Keeper of the Manuscripts in the British Museum; and the Librarian, Lambeth Palace Library, for their kindness in affording access to the manuscripts in their custody; also to Sir Henry Maxwell Lyte, K.C.B., Deputy Keeper of the Public Records, for supplying transcripts of certain documents of record in his Department. The editor has also to acknowledge his deep sense of the courtesy and help extended by the officials of those Institutions and Departments.

PUBLIC RECORD OFFICE OF IRELAND,

30th January, 1907.

After the last sheet of this work had gone to press, a fragment of the enrolment of the Statutes made at York in the 9th year of King Edward the Third was found in a parcel of Equity Pleadings of the year 1707.

This enrolment is mentioned in the "Inventory of the Statute Rolls preserved in the Rolls office, Chancery," appended to a Report made by Mr. James Hardiman, Sub-Commissioner, dated 9 January, 1819. (*Reports of the Irish Record Commissioners*, 1816-1820, p. 353). Mr. Hardiman observes that this membrane, found among the miscellaneous records, and afterwards made up into a roll, contains three Statutes enacted at York; which very probably were transmitted from England to be observed here. It then bore no ancient mark or indorsement of any description, and was in good preservation. The membrane must have been misplaced and torn after that date, as the first of these Statutes, save its last line, is all that is now forthcoming. The text of this enactment will be found in *Statutes of the Realm*, Vol. I., p. 269.—H. F. B.

CHRONOLOGICAL TABLE OF STATUTES, ORDINANCES, AND WRITS FOR THEIR OBSERVANCE IN IRELAND.

Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
JOHN.			
1204. A° 6.	King's Writ making the Justiciar's Writs current in Ireland.	Pat. Roll (Eng.) 6 John.	3
1207. -9.	King's Writ as to writs, and pleas of the Crown, &c.	Pat. Roll (Eng.) 9 John.	3
1207. -9	King's Writ ordaining that Irish robbers be dealt with according to the law of England.	Pat. Roll (Eng.) 9 John.	4
HENRY III.			
1216. A° 1.	The Great Charter of Ireland, ..	Red Book of the Exchequer, Ireland.	5
1222. -6.	King's Writ commanding pleas of Bounds to be dealt with in Ireland as in England, &c.	Close Roll (Eng.) 6 Hen. III.	20
1222. -6.	King's Writ altering the limitation in Writs of <i>Mort D'ancestor</i> in Ireland.	Pat. Roll (Eng.) 6 Hen. III.	20
1226. -10.	King's Writ commanding the laws and customs of England to be kept in Ireland as in King John's time.	Pat. Roll (Eng.), 10 Hen. III.	21
1226. -11.	Statute of Ireland—of lands given in free marriage (as to who shall be tenant by the curtesy).	Lansdowne MS. 480, B. Mus.	21
1227. -12.	King's Writ transmitting the form of writs of course for observance in Ireland.	Cott. MS., Julius, D. II., B. Mus.	22
1228. 12.	King's Writ commanding that King John's Charter as to English laws and customs be observed in Ireland.	Close Roll (Eng.), 12 Hen. III.	23
1233. -18.	King's Writ commanding that pleas of lay fee and advowson of churches be not pleaded in Court Christian.	Pat. Rolls (Eng.), 18 Hen. III.	24
1234. -19.	King's Writ commanding that the Writ of Bounds run in Ireland as in England.	Close Roll (Eng.), 19 Hen. III.	25
1236. -20.	The Provisions of Merton (to be observed in Ireland).	Cott. MS., Cland., D. II. (B. Mus.) printed in <i>Stat. Realm.</i>	27

Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
HENRY III.— continued.			
1236. A°-20,	The Statute of Ireland concerning Coparceners. King's Writ transmitting this custom of England for observance in Ireland.	Close Roll (Eng.), 20 Hen. III., printed in <i>Stat. Re却m.</i>	30
1236. -21,	King's Writ altering the limitation in certain Writs in Ireland.	Pat. Roll (Eng.), 21 Hen. III.	31
1237. -21,	King's Writ commanding the custom of England, as to those born before wedlock, to be observed in Ireland.	Close Roll (Eng.), 21 Hen. III.	33
1237. -21,	King's Writ commanding the Writ of Bounds (if abrogated) to be recalled into use in Ireland.	Close Roll (Eng.), 21 Hen. III.	34
1238. -22,	King's Writ transmitting form of Writ of Bastardy, and commanding the English custom to be observed in Ireland.	Close Roll (Eng.), 22 Hen. III.	35
1246. -30,	King's Writ commanding Writs of right that run in England to run in Ireland, and that the laws and customs of England be observed in Ireland.	Pat. Roll (Eng.), 30 Hen. III., printed in <i>Stat. Re却m.</i>	35
1269. -53,	Ordinance of the Justiciar's Council, with consent of magnates and commonalty of Ireland, as to uniformity of weights and measures throughout Ireland, &c.	Plea Roll, (Irel.) No. 5.	36
EDWD. I.			
1270. A°-7,	The Statute of Mortmain (as to men of religion).	Red Book of the Exchequer, Ire-land.	36
1284. -12,	The Statute of Rhuddlan—Provisions made in the Exchequer.	Red Book of the Exchequer, Ire-land.	40
1285. -13,	Memorandum as to the Statutes of Westminster I. and II., the Statute of Gloucester, and the Statute of Merchants having been sent to Ireland for proclamation and observance.	Close Roll (Eng.), 13 Edw. I.	46
1285. -13,	The Statutes of Westminster the First.	Red Book of the Exchequer, Ire-land.	46
1285. -13,	The Statutes of Gloucester, ..	Red Book of the Exchequer, Ire-land.	86
1285. -13,	Statute of Merchants, ..	Statute Roll (Eng.), 13 Edw. I., printed in <i>Stat. Re却m.</i>	101
1285. -13,	Statutes of Westminster Second.	Red Book of the Exchequer, Ire-land.	104

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EDWD. I.— continued.			
1291. A°. 19.	Articuli Cleri, Articles of the Clergy.	Red Book of the Exchequer, Ireland.	178
1293.	-21, Ordinances made in England, with the King's Writ commanding their observance in Ireland.	Red Book of the Exchequer, Ireland.	190
1297.	-25, Ordinances made in a General Parliament held in Ireland.	Black Book of Christ Church, Dublin.	194
1299.	-27, Ordinances made by the Chief Justiciar and the King's Council. (Pleas of Parliament at Dublin).	Justiciary Roll (Irel.), 27 Edwd. I.	212
1299.	-27, Certain ordinances concerning false money, &c., made in England, with King's Writ commanding them to be observed in Ireland.	Justiciary Roll (Irel.), 27 Edwd. I. and Red Book of the Exchequer, Ireland.	220
1300.	-28, Certificate by the King's Council in Ireland of the custom of Ireland as to the goods of a Testator.	Justiciary Roll (Irel.) 28 Edwd. I.	226
1300.	-28, Pleas of Parliament at Dublin. Proceedings in a General Parliament at Dublin in relation to grants towards a subsidy in aid of the war with Scotland, as requested in a writ of the King.	Justiciary Roll (Irel.), 28 Edwd. I.	228
1300.	-28, King's Writ commanding that no silver or other white money, silver vessels or silver in bulk, be carried out of Ireland.	Justiciary Roll (Irel.), 28 Edw. I.	238
1307.	-35, The English Statute as to Religious persons—De asportatis Religiosorum—made at Carlisle, with King's Writ for observance in Ireland.	Justiciary Roll (Irel.), 35 Edwd. I.	240
EDWD. II.			
1308. A°. 1.	King's Writs transmitting the Statute of Winchester for observance in Ireland, with regulations for preservation of the peace, &c.	Pleas Roll (Irel.), 1 & 2 Edwd. II.	244
1308.	-1, The Statute of Winchester, ..	Statute Roll (Eng.), 13 Edwd. I., printed in Stat. Realm.	254
1310.	-3, Parliament of Kilkenny. King's Writs for the Parliament; and the Ordinances enacted therein.	Pat. Roll (Irel.), 3 Edwd. II.	258

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EDWD. II.— continued.			
1310. A°.-3.	Ordinances of a Parliament (presumably further ordinances of the same Parliament of Kilkenny), with excommunication pronounced in St. Canice's, Kilkenny, against those contravening them.	Red Book of the Exchequer, Ireland.	270
1316. -10.	Ordinance made by the Justiciar and Council as to rents of alien absentees' lands being expended for defence of the country.	Memoranda Roll, Exchequer (Irel.) 3-11 Edwd. II.	278
1320. -13.	Ordinances in a Parliament at Dublin. Amongst others, the Statutes of Westminster I. and II., Merton, Marlborough, and Gloucester to be examined, and points in them applicable to Ireland to be confirmed and held.	Red Book of the Exchequer, Ireland.	280
1321. -14.	King's Writ commanding that the Irish admitted to English law use same concerning life and limbs.	Pat. Roll (Eng.), 14 Edwd. II., (printed in Pynne's <i>Antimiserations</i>).	292
1323. -17.	Ordinance made for the state of Ireland at Nottingham, with Writ transmitting it for observance in Ireland.	Statute Roll (Eng.), 17 Edwd. II., printed in <i>Stat. Realm.</i>	293
1324. -17.	Writ transmitting the Statutes of Lincoln and York, and commanding their observance in Ireland. Statute of Lincoln, Statute of York,	Red Book of the Exchequer, Ireland. Do., .. Do., ..	296 298 300
1324. -17.	Ordinances made in a full Parliament at Dublin.	Close Roll (Irel.), 18 Edwd. II.	306
1325. -19.	Statute of Ireland. King's Writ confirming and ratifying the Statutes, &c., made at Kilkenny and Dublin, in the 3rd, 18th, and 19th years of his reign.	Close Roll (Irel.), 20 Edwd. II.	310
1326. -19.	Ordinances of the Staple of England, Ireland, and Wales, transmitted by King's Writ to the Mayor of Dublin for observance.	Liber Albus, Corporation of Dublin.	314
EDWD. III.			
1331. A°.-5.	Articles of the last Parliament at Westminster made for the improvement of Ireland, with King's Writ for their observance in Ireland.	Memoranda Roll, Exchequer, Ireland, 5 & 6 Edwd. III.	322
1331. -5.	King's Writ commanding that castles, lands, &c., granted after the King undertook the government, be resumed into his hands.	Memoranda Roll, Exchequer, Ireland, 5 & 6 Edwd. III.	330

Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
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1332. A°.-6.	King's Writ commanding observance in Ireland of the Statutes made at Westminster, 1327, 1330, 1331: and at Northampton, 1328.	Statute Roll (Eng.), 6 Edwd. III., printed in <i>Stat. Realm.</i>	330
1342.	-16. Petitions sent by the prelates, earls, barons, and commonalty of Ireland to the King, which on being examined by his Council the King answered; the answers to be held and maintained.	Red Book of the Exchequer, Ireland.	332
	King's Writ, authorizing the purport of the answers to be published and observed in Ireland, &c., &c.	Close Roll (Eng.), 16 Edwd. III., printed in Rymer's <i>Foedera</i> , vol. II.	362
1344.	-18 King's Writ that none are to supply the Irish at war against the King with victuals, &c., and that one peace and one war be observed throughout Ireland.	Close Roll (Irel.), 18 Edwd. III.	364
1349.	-23, King's Writ transmitting to the mayor and bailiffs of Dublin the English Statute of Servants and Labourers, and commanding it to be proclaimed and observed in the city.	Liber Albus, Corporation of Dublin.	366
	Cap. XIV. of the Ordinances of 1351 ordained that the English Statute of Labourers sent to Ireland be sent to all sheriffs, seneschals, mayors, &c., for proclamation.		
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1349-50. -24,	Extract from Ordinance in a Parliament at Westminster as to issues of lands in Ireland being spent in their defence, &c.	Rot. Rom. (Eng.), 24 Edwd. III. (printed in Rymer's <i>Foedera</i> , vol. III).	373
1351.	-25, Ordinances made in a Great Council at Kilkenny.	Memoranda Roll, Exchequer, Ireland, 25 & 26 Edwd. III.	374
1355.	-29, Ordinance of the Council against forestallers of fish, &c.	Close Roll (Irel.), 29 & 30 Edwd. III.	398
1355.	-29. King's Writ conveying an Ordinance of the King and Council in England as to the correction of errors in Parliaments to be held in Ireland. &c.	Close Roll (Eng.), 29 Edwd. III., printed in Rymer's <i>Foedera</i> vol. III.	406

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1361. -35,	Ordinances of the King and Council in England as to sheriffs, seneschals, and levying the King's debts, transmitted by Writ for observance in Ireland.	Memoranda Roll, Exchequer (Irel.), 34 and 35 Edwd. III.	422
1366. -40,	The Statutes of Kilkenny, ..	Carew MS., 603, Lambeth Palace Library.	430
1368. -42,	An Ordinance concerning the land of Ireland made in a Parliament at Dublin.	Close Roll (Eng.), 42 Edwd. III., printed in Rymer's <i>Fœdera</i> , vol. III.	470
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1380. -4,	Confirmation of Cap. XIV. of the Statutes of Kilkenny, as to no Irishman or Scot being admitted to the profession of a religious house.	Close Roll (Irel.), 6 Ric. II.	480
1385. -9,	King's Writ, founded on Petition to a Great Council held at Dublin, as to the people of Ireland not being molested, contrary to their liberty and privilege, by the execution or writing out of England.	Close Roll (Irel.), 9 Ric. II.	482
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1389. -13.	Ordinance by the Irish Parliament that none buy falcons, hawks, &c., in Ireland, for sale there or in England.	Pat. Roll (Irel.), 13 Ric. II.	490
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1421. -9,	Petitions, or a Declaration of the community of the land of Ireland, in a Parliament at Dublin, sent to the King in England. Answers (if any) do not appear to have been enrolled.	Pat. Roll (Irel.), 9 Hen. V.	562

EARLY STATUTES
OF
IRELAND.



EARLY STATUTES
OF
IRELAND.

6 JOHN. A.D. 1204.

[PATENT ROLL (ENGL.) 6 JOHN *m. 6*.]¹

THE King, &c., to his Justiciar, barons, knights, and all Writs made
his faithful subjects of Ireland, &c. Know ye that we ^{current; their} limitation.
have granted authority to our Justiciar of Ireland that his
writs shall run throughout our entire land and dominion of
Ireland, namely—the writ of *Right*, of half a knight's fee and
less; and of *Mort d'ancestor* likewise of half a knight's fee and
less; and the limitation of *Mort d'ancestor* shall be after the
passage of King Henry our father, from Ireland into England;
and the writ of *Novel Disseisin* shall have its limitation after
our first coronation at Canterbury, and the writ of *Fugitives*
and Villeins shall have its limitation after the taking of Dub-
lin; and the writ for *making bounds* between two vills
(except baronies); and so we command and strictly enjoin
that you cause these things so to be done and firmly observed
throughout our entire jurisdiction of Ireland. Witness myself
at Westminster the 2d day of November.

9 JOHN. A.D. 1207.

[PATENT ROLL (ENGL.) 9 JOHN *m. 4 f.*.]²

THE King to all, &c., of all Ireland, &c. You well know King's Writs
that as we are bound to maintain and guard your rights, and pleas of
so are you bound to preserve and defend our rights in all
things. And inasmuch as we are unwilling that you should
be governed henceforth except by law and judgment, or that
anyone should take anything from you at his will, or should
be able to disseise you of your free tenements unjustly and

¹ The text is printed in *Rot. Lit. Pat. in turri Lond.*, 1201-1216, p. 47;
also in Prynne's *Animadversions* (1669), p. 250.

² The text is printed in *Rot. Lit. Pat. in turri Lond.*, 1201-1216, p. 76.

without judgment, or that you should be impleaded of your free tenements by writ of any save of us or of our Justiciar, but that justice may be shown to you therein by us, We strictly forbid you, by the fealty whereby you are bound to us, to answer for any or in the court of any, of your free tenements save by precept and writ of us or of our Justiciar, or to answer of any plea of the Crown save before us or our Justiciar or before the Justices whom we or the said Justiciar shall send among you for the upholding of the law, and be you faithfully in aid to the said Justiciar so to maintain this. And if anyone presume to contravene this or to interfere with you, you shall have recourse to our said Justiciar, whom we have enjoined to remedy it for you with our power and your assistance, wherefore we will and command this to be thus strictly observed. We forbid, &c., upon forfeiture of life and limbs, that anyone sell or buy by other money than our money of Ireland, which we will to be current throughout our whole realm and no other. Witness myself at Woodstock the 9th day of November.

Irish currency.

9 JOHN. A.D. 1207.

[PATENT ROLL (ENGL.) 9 JOHN *m. 2 f.*].¹

Irish robbers, &c., to be dealt with according to the law of England.

THE King to M[eiler], son of Henry, Justiciar of Ireland, &c., and to all other his barons and faithful subjects of Ireland, &c. Know ye that at the wish and advice of our beloved and faithful Earl W[illiam] Marescal, and Walter de Lacey, and other of our barons of Ireland, who were with us in England, and by advice of our faithful subjects of England, we will and ordain that the robbers of Ireland be driven out of our land of Ireland, and that they and those who receive them be dealt with according to the law of England. And so we command you that thus you cause it to be done, and in witness hereof, we send you these our letters patent. Witness myself at Southampton the 23d day of March.

¹ The text is printed in *Rot. Lit. Pat. in turri Lond.*, 1201-1216, p. 80 ; also in *Prynce's Animadversions* (1669), p. 250.

I HENRY III. A.D. 1216.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 69-73.]

THE GREAT CHARTER OF IRELAND.

HENRICUS dei grā Rex
Anglie Dns Hybnie
Dux Normān & Aquit Comes
Andegaui Archiep̄is Ep̄is
Abbatib̄ Comitib̄ Baronib̄
Justiciā fforestar vicecomi-
tib̄ p̄pōit̄ Ministris Civib̄
balliuis & fidelib̄ suis salutem.
Sciatis nos intuitu dī & pro
salute anime nre & omniū
antecessor̄ & successor̄¹ nrō
ad honorem dei & exaltaōem
sce Ecclie & emendaōem Regni
nri p̄ consilium venerabilium
patrum nrō dñi Guale t̄ sc̄i
Martini p̄sbifi cardinal &
apostolice sedis legati P:
Winton. R:de sc̄o assapho
J: Bathō & Glastō: S.
Exō. R: Cicestrēn. W:
Couent̄. B: Roffēn. H:
London² . . .³ meneuen
. . .³ Bangorēn & S:

HENRY, by the grace of
God, King of England,
lord of Ireland, Duke of Nor-
mandy and Aquitaine, Count
of Anjou, to the archbishops,
bishops, abbots, earls, barons,
justices, foresters, sheriffs,
provosts, ministers, citizens,
bailiffs, and his faithful people,
greeting. Know ye that we,
having regard to God and for
the salvation of our soul and
[the souls] of all our ancestors
and successors, to the honour of
God and for the exaltation of
Holy Church and the amend-
ment of our kingdom, by the
advice of our venerable fathers,
the lord Gualo, cardinal priest
by the title of St. Martin, and
legate of the Apostolic See;
P[eter] of Winchester; R. of
St. Asaph; J[ocelyn] of Bath
and Glastonbury; S[imon] of
Exeter; R[ichard] of Chi-
chester; W[illiam] of Coven-
try; B[enedict] of Roches-
ter; H[enry] of Llandaff;
. . . of St. David's; . . .
of Bangor; and S[ilvester] of

¹ Interlined.² The Red Book reads *London*, while *Statutes of the Realm* has *Landav*, which is correct, as Henry was Bishop of Llandaff, 1191-1219. The Bishop of London in 1216 was William de S. Mere l'eglise.³ So in Red Book. In 1216 Gervase was Bishop of St. David's, and Cadwgan of Bangor.

Wygorn eþoþ & nobiliuþ viroþ Willi Marescalli Comitis Penbroc
 R : Comitis Cestri W:de feiraþ Comitis de Derb W.Comitis
 de Aubemarle Huberti de Burgo Justiciaþ ñri Sauaricci de
 malo leone Willmi Bruerie pat's Willi Bruef fil Roberti de
 curtenai Falkesii de Breute Reginaldi de vautort W:de laci
 Hugoñ de motuo mari Joh de Monomuto W:de Beuchaump
 W:de Cliffor R:de mortuo mari Willi de Cantilupo Mathei
 fil Herberti Johnis marescalli Alani Bassett P:de albuniaco
 Johnis extranei & alioþ fidelium ñroþ. C. In p:mis concess
 deo hac p:sentii carta ñra confirmasse p nobis & heredibz ñris
 imppetuþ qd Hyðnicana ecça libera sit & habeat iura sua
 integ & libertates suas illesas. Concessimus & omnibz liberis
 hominibz de regno ñro p nob & heredibus imppetuum omnes
 libertates subsc:ptas habendas & tenendas eis & heredibz suis
 de nob & heredibz ñris. C. Si quis Comitū ut baronū ñoþ
 siue alioþ tenentiu de nob in capite p suiciū militare
 mortuus fuerit & cum decesserit heres suus plene etatis
 fuerit & relēu debeat habeat hereditatē suam p antiquū
 releuiū silicet heres ut heredes comitis de Baronia com
 integ p centum lib:s. Heres ut heredes baronis de Baronia
 baronis integ p centum libras. Heres ut heredes militis de
 feudo militis integro p centū solidos ad plus & qui min'
 debuerit minus det scdm antiq:m consuetudinem feodoþ. Si
 autem heres alicui' taliu fuerit infra etatem dominus eius non
 habet custodiam iþius nec pre sue anteq:m homagium eius cepit
 & posq:m tñt heres fuerit in custodia ad etatem puenerit silz
 viginti & vnius annoþ Habeat hereditatem suam sine releuio &
 sine fine. Ita tamen qd si ipse dum infra etatem fuerit miles,
 nichilhõ pre remaneat in custodia dñi sui usq ad þdm þminū.

Worcester, bishops ; and of the nobles, William Marescal, earl of Pembroke, R[alph], earl of Chester ; W[illiam] de Ferrars, earl of Derby ; W[illiam], earl of Albemarle ; Hubert de Burgo, our Justiciar ; Savaric de Malo Leone ; William Bruere, the father ; William Bruere, the son ; Robert de Curtenai, Falk de Breute, Reginald de Vautort, W[alter] de Laci, Hugh de Mortimer, John of Monmouth, W[alter] de Beuchamp, W[alter] de Clifford, R[obert] de Mortimer, William de Cantilupo, Matthew son of Herbert ; John Marescal, Alan Basset, P[hilip] de Albuniaco, John Lestrange, and other our lieges.

Firstly we have granted to God, [and] by this our present Irish Church Charter have confirmed for us and our heirs for ever that the ^{free.} Irish Church shall be free, and have all her rights entire and liberties inviolable.

We have also granted to all free men of our kingdom, for us and our heirs for ever, all the liberties underwritten, to have and to hold to them and their heirs of us and our heirs.

If any of our Earls or Barons or others holding of us in chief Reliefs. by knight service die, and at the time of his death his heir be of full age and owe Relief, he shall have his inheritance by the ancient Relief, namely, the heir or heirs of an Earl for the entire barony of the Earl by one hundred pounds ; the heir or heirs of a Baron for the entire barony of the Baron by one hundred pounds ; the heir or heirs of a Knight for a whole Knight's fee by one hundred shillings at the most : and he who owes less shall give less, according to the ancient custom of the fees.

But if the heir of any one of such be under age, his lord Wardship shall not have the wardship of him nor of his land before that he take of him homage. And when such heir who shall have been in ward shall come to age, that is to say of twenty-one years, he shall have his inheritance without Relief and without fine ; provided that if he while under age become a knight, nevertheless his land shall remain in the custody of his lord up to the said term.

Custos Pre hi⁹ & heredis qui inf⁹ etatem fuerit non capiat de Pre hered⁹ nisi racionabiles exitus & racionabiles consuetudines & racionabilia ſuicia & hec sine distrucciōne ut vasto hominū ut rex; & si nos cōmiserim⁹ custodiam alic⁹ tāl Pre vicecōi ut alicui alii qui de exitib⁹ Pre illius nob⁹ respond⁹ debeat & ille deſtrucciónem fecerit de custodia ut vastum; Nos ab eo capiem⁹ emend⁹ & terra cōl'committat⁹ duob⁹ legalib⁹ & discretis hominib⁹ de feudo illo q⁹ de exitib⁹ respondeant nob⁹ ut ei cui illos assignaſſimus. Et si dederimus ut vendideribus¹ alicui custodiam alicui⁹ tāl Pre & ille deſtrucciōem inde fecerit ut vastum amittat custodiam illam & t⁹dat⁹ duob⁹ legalib⁹ & discretis hominib⁹ de feodo illo qui simili⁹ nob⁹ inde respondeant ſicut p̄dcm est. Custos autē q⁹mdui custodiam Pre habſit ſuſtentet domos parcos viuaria ſtangna molendina & ceſa ad illam Pre ſtānacia de exitib⁹ Pre eiusd⁹, & reddet heredi cū ad plenam etatem pueſſit Pre ſuam totam instauratam de carucis & omnib⁹ aliis reb⁹ admin⁹ ſcdm qd illas recepit. Hec omnia obſeruent⁹ de custodia Archiep̄atuū Ep̄atuū Abbaciaz p̄oratuū ecclesiaz & dignitatuū vacanciū excepto q⁹ custodie hi⁹ uendi non debent. Heredes maritant⁹ abſq; dispagacōne. Vidua p⁹ mortem mariti ſui ſtātim & ſine dilacōne aliq⁹ habeat maritagiū ſuū & hereditatem ſuam nec aliquid det p⁹ dote ſua ut maritago ut hēditate ſua q⁹m hereditatem marit⁹ ſuus & iſa tenuerit die obitus iſius mariti & maneat vidua in domo mariti ſui p⁹ xl⁹ dies post mortem iſius mariti ſui infra quos ei assignet⁹ dos ſua n̄ p̄us ei fuerit assignata ut niſi dom⁹ illa fuit caſtrū & ſi de caſtro reſeſſerit ſtātim puidet⁹ ei dom⁹ competens in qua poſſit honeſte morari quousq; dos ſua ei assignet⁹ ſcdm qd p̄dcm eſt. Nulla vidua diſt̄

¹ So in MS.

The guardian of such land and heir, who may be under age, Waste on lands of a minor. shall not take of the land of the heir save reasonable issues, reasonable customs, and reasonable services, and these without destruction or waste of men or goods. And if we commit the custody of any such land to the Sheriff or any other who ought to answer to us of the issues of that land, and he make destruction or waste of what is in his custody, we shall take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall answer of the issues to us, or to him to whom we shall have assigned them. And if we shall give or sell to anyone the custody of any such land, and he make destruction thereof, or waste, he shall lose that custody, and it shall be delivered to two lawful and discreet men of that fee, who likewise shall answer to us thereof, as aforesaid.

But the guardian as long as he has custody of the land Guardian to keep up houses, &c. shall keep up the houses, parks, vivaries, ponds, mills, and other things pertaining to that land out of the issues of the said land, and shall restore to the heir, when he shall have come to full age, all his land stored with ploughs, and all other things, at least as he received them.

All these things shall be observed in regard to the custody Same in cases of vacant Sees, &c. of vacant archbishoprics, bishoprics, abbacies, priories, churches and dignities, save that such custodies ought not to be sold.

Heirs shall be married without disparagement. A widow Marriage of heirs. immediately after the death of her husband, and without any delay, shall have her marriage [portion] and her inheritance, Widows. neither shall she give anything for her dower or marriage [portion] or inheritance, which inheritance her husband and she herself held on the day of the death of the said husband, and the widow may remain in the house of her husband for Quarantine. forty days after her said husband's death, within which her dower shall be assigned her, unless it shall have been assigned her previously, or unless that house be a castle, and if she depart from the castle, immediately a competent house shall be provided for her in which she may honourably dwell until her dower be assigned her as aforesaid. No widow shall be com-

ad se maritand dū volūt viſe sine marito. Ita tamē qd securitatem faciat qd se non maritabit sine assensu nro si de noſ tenſit ut sine assensu dñi sui si de alio tenuerit. Nos ut ballui nri non saysiemus fram aliqm n° redditū p debito aliq° q°mdui catala debitoris pſencia sufficiūt ad debitū reddend & ipe debitor patus inde satisfacte nec p̄gii iſius debitoris distingant q°mdui ipe capital debitor sufficit ad soluōem debiti. Et si capital debitor defecit in soluōone non habens vnde reddat aut redd'e nolit cum possit p̄gii respondeant de debito & si volſint habeant t̄ras & reddit debitoris quoſq; sit eis satisfactm de debito qd ante p eo soluerūt n° capital debitor monſtuerit se quietū esse uersus eosq; p̄gios. Ciuitas Dublii habeat omnes antiq; libertates & liberas cōſuetudines suas. Prete a volum' & concedim' qd omnes alie ciuitates ville & Burgi & omnes portus habeant omnes libertates & liberas consuetudines suas. Nullus distingat ad faciend mai' ſuiciū de feodo militis n° de alio libero tenemēto q°m inde debetur. Cōmunia placita non seq"nt' curiam fram s3 teneant' in aliquo c'to loco. Recogniōes de noua disseysina de morte antecessoris & de ultima pſentaōone nō capiant' nisi in suis Comitatibz & hoc modo. Nos ut si ext' regnū fuerim' capitalis Justic n̄r mittem' duos justicia p vñūquemq; comitatū p q'tuor vices in anno qui cū q'tuor militibz cui'libet comitā electis p comitatum capiant & in comitatu & in die & loco Comitatus Assisas p̄d̄cas. Et si in die Comitatus assise p̄d̄cte capi n̄ possunt, tot milites & libere tenentes remaneat de illis qui inſſueat comitatui die illo p q° possit ſufficient iudicia fieri ſedm qd negociū fuit mai' ut min'.

peled to marry while she wishes to live without a husband, Remarriage provided, nevertheless, that she give security that she will not marry without our assent, if she hold of us, or without the assent of her lord, if she hold of another.

We or our bailiffs shall not seize any land or rent for any Seizure for debt as long as the chattels of the debtor at hand suffice for paying the debt, and the debtor himself be prepared thereout to satisfy. Neither shall the sureties of the debtor himself be distrained as long as the principal debtor himself suffice for the payment of the debt. And if the principal debtor fail in payment, not having whereof he can pay, or be unwilling to pay when he is able, the sureties shall answer for the debt, and if they wish they may have the lands and rents of the debtor until satisfaction be made to them for the debt which they already paid for him, unless the principal debtor show that he is quit as regards those sureties.

The City of Dublin shall have all its ancient liberties and Liberties of free customs: moreover, we will and grant that all other Dublin, &c. cities, towns, and burghs, and all ports shall have all their liberties and free customs.

No one shall be distrained to do more service of a knight's Distress for fee or of any other freehold than is thereout due.

Common Pleas shall not follow our Court, but shall be held Common Pleas. in some certain place.

Assises of *Novel Disseisin*, of *Mort d'ancestor*, and of *Darrein Assises*. presentment shall not be taken except in their own counties, and in this way. We, or if we be out of the kingdom, our Chief Justiciar, shall send two justices through every county four times in the year, who, with four knights of every county elected by the county, shall take, both in the county [court] and on the day and place of the county, the aforesaid assises; and if on the day of the county [court] the aforesaid assises cannot be taken, so many knights and free tenants of those who were present at the county [court] on that day shall remain, by whom it may be competent to make judgments according as the business shall be more or less.

Liber homo non afficietur per prouo delicto nisi secundum modum delicti, et per magno delicto secundum magnitudinem delicti saluo contenemendo suo et filiator eodem modo salua filiandasia sua et villanus eodem modo afficietur saluo wannagio suo si inciderit in miliam irram. Et nulla predictio missa ponatur nisi per sacramentum proborum et legalium hominum de visneto. Comites et Barones non afficiantur nisi per pares suos et non nisi secundum modum delicti. Nullus clericus afficietur nisi secundum formam predictorum et non secundum quantitatem beneficii sui ecclesiastici. Nec villa nec homo distinguitur facte pontes ad riparias nisi quod ab antiquo et de iure facte debent. Nullus vicecomes Constabularum Coronatores vel alii balliui irri teneant placita corone irre. Si aliquis tenens de nobis laicu feodum moriatur et vicecomes vel balitus non ostendat litteras irras patentes de sumptione irra de debito quod defunctus nobis debuit, liceat vicecomiti ut Balliu irre attachiare et inbriare catalla defuncti inuenti¹ in laico feodo ad valenciam illius debiti per visum legalium hominum. Ita tamen quod nichil inde amoueat donum presulatum nobis debitus quod clarum fuit et residuum relinqutur executoribus ad faciendum testametum defuncti. Et si nichil debeat ab ipso omnia catalla cedant defuncto saluis uxori sue et prius suis rationabilibus pretiis suis. Nullus Constabularius ut eius balitus capiat blada ut alia catalla alicuius qui non sit de villa ubi castellum suum est nisi statim inde reddat denarios ut respectum inde irre possit de voluntate venditoris; si autem de villa fuerit, teneatur infra tres septenas piceum reddere. Nullus Constabularius distingat aliquem militem ad dandum denarios per custodia castri si ipse eam facte voluerit in propria persona sua ut per alium pbum hominem si ipse eam facte non possit per rationabilem

¹ So in MS.

No freeman shall be amerced for a small fault, but according to the measure of the fault, and for a great fault according to the magnitude of the fault, saving his contenement; and a merchant in the same way, saving his merchandise; and a villein shall be amerced in the same way, saving his wannage, if he fall into our mercy; and none of the said amercements shall be assessed but by the oath of good and lawful men of the venue. Earls and barons shall not be amerced except by their peers, and according to the measure of their fault. No clerk shall be amerced except according to the form of the aforesaid, and not according to the quantity of his ecclesiastical benefice.

No town nor individual shall be distrained to make bridges over rivers, except those who of old and of right ought to make them.

No sheriff, constable, coroners, or other our bailiffs shall hold pleas of the crown.

If any holding a lay fee of us die, and our sheriff or bailiff show our letters patent of our summons of debt, which the deceased owed us, it shall be lawful for our sheriff or bailiff to attach and schedule the chattels of the deceased, found in the lay fee, to the value of that debt, by view of lawful men; provided, nevertheless, that nothing thereof be removed until there be paid us the debt which was clear, and the residue shall remain to the executors to fulfil the testament of the deceased; and if nothing be owing by him, they shall give up all chattels to the deceased, saving to his wife and children their reasonable portions.

No constable or his bailiff shall take corn or other chattels of anyone who be not of the vill where his castle is, unless he forthwith pay money therefor, or by the will of the vendor he can have respite thereof; but if he be of the vill, he shall be bound to pay the price within three weeks.

No constable shall distrain any knight to pay money for Castle ward, guarding his castle, if he be willing to do it in his own person, or by any other good man, if he cannot for reasonable

causam, & si nos du&im' ut miserim' eu in ex&citū erit quiet' de custodia scdm q"ntitatē tēpis quo p nos fuit in ex&citū. Nullus vicecomes vt Balliuus nr vt alias capiat eq's ut carectas alicui' p cariagio faciendo n' reddat libera&cem antiquit' statutā, scilz p carecta ad duos equos decem denarios p diem & p carecta ad tres equos q"tuordecim denarios p diem. Nec nos nec balliu nr capiem' alienū boscū ad cast' ut alia Agenda nostra nisi p voluntatē ipius cui' boscus ille fu&it. Nos non tenebim' pras illo& qui conuicti fu&int de feloniam n' p vnū annū & vnū diem & tūc reddant' p re dnis feodo&. Et omes Kydelli deponant' de ce&o p totam Auenlith & p totam hy&m nisi p costeram maris. Breue quod vocat' p̄cipe de ce&o non fuit alicui de aliquo tenemento vnde liber amit&e possit curiam suam. Vna mensura vini sit p totum regnum nr&m & vna mensura c&uisie & vna mensura bladi scilz q"r&liū Dublii, & vna latitudo panno& tintox Russetto& haubergetto& scilz due ulne infra listas. De ponderibz autē sit ut de mensurā. Nichil det' de ce&o p bri Inq'si&cois de vita ut membris s̄z g&tis concedat' & non neget'. Si aliq's teneat de nob̄ p feodi firmam ut socagium ut p burgagiū & de alio teneat pram p suiciū militare n' habebim' custodiam heredis n' p re sue que est de feudo aliius occasione illius feodi firme ut socagii ut burgagii. Nec habebim' custodiam illius feodi firme ut socagii ut burgagii n' ipa feodi firma debeat suiciū militare. Nos non habebim' custodiam alicuius p re ut hedis q'm tenet de alio p suiciū militare occasione alicui' pue sian&e q'm tenet de nob̄ p suiciū reddendi nob̄ cultellos ut sagittas ut hui'modi.

cause do it himself; and if we bring or send him on an expedition, he shall be quit of [castle] ward for the time he was on the expedition with us.

No sheriff or bailiff of ours or any other shall take horses or Purveyance. Horses and carts of any man for making carriage unless he pay the price carts. of old time appointed, that is to say—for a cart for two horses, ten pence a day, and for a cart for three horses, fourteen pence a day. Neither we nor our bailiffs shall take the wood of another for castles or carrying out other our works Wood. unless by the will of him to whom the wood belongs.

We will not hold the lands of those who shall be convicted Lands of felony, save for a year and a day, and then the lands shall felons. be restored to the lords of the fees.

Also all weirs shall henceforth be put down through the Weirs. whole of the Anna Liffey and all Ireland, except by the sea coast.

The writ which is called "precipe" from henceforth shall Writ of not be granted to anyone of any tenement whereby a freeman Precipe. may lose his court.

There shall be one measure of wine throughout our entire Uniform kingdom, and one measure of ale, and one measure of corn, measures and weights. that is to say, the quarter of Dublin; and one breadth of dyed cloth, russets and habergets, that is to say, two ells within the lists; and let it be of weights as of measures.

Nothing shall henceforth be given for a Writ of Inquisition Writs of Inquisition. of life or limbs, but it shall be freely granted and not denied.

If any hold of us by fee-farm, or by socage or burgage, and Wardship of he hold land of another by knight service, we shall not have heirs holding lands by the wardship of the heir, nor of his land, which is of the fee divers services. of another, by reason of that fee-farm or socage or burgage; nor shall we have the custody of such fee-farm or socage or burgage, unless the same fee-farm owe knight service. We shall not have the wardship of any heir, or of any land which he holds of another by knight service, by reason of any petty serjeanty which he holds of us by the service of rendering to us knives or arrows or such like.

Null⁹ balliuus ponat de cefo aliquem ad legem simplici loquela sine testib⁹ fidelib⁹ ad h⁹ inductis. Null⁹ liber h⁹ capiat⁹ ut in psonet⁹ ut disseisiat⁹ aut utlaget⁹ aut exulet⁹ aut aliq⁹ alio m⁹ destruat⁹. Nec sup eū ibim⁹ n⁹ sup eū mittem⁹ n⁹ p legale iudiciū pariū suoꝝ ut p legem frē. Nulli vendemus nulli negabim⁹ aut differemus rectum aut iusticiam. Omnes ffcatores n⁹ publice antea phibit⁹ fuerint habeant saluū & securū exire de Hyb⁹m & venire in Hyb⁹m & morari & ire p Hyb⁹m tān p p̄as q⁹m p aquas ad emend⁹ & vendend⁹ sine omnib⁹ malis tolitis p antiq⁹s & rectas consuetudines pterq⁹m in tempe guerre. Et si sint de fra cont⁹ nos guerrina & si tales inueniant⁹ in fra n̄ra in pncipio guerre attachient⁹ sine dampno corpoꝝ ut rerū don⁹ sciat⁹ a nob⁹ ut a capitali Justicī n̄ro q⁹modo ffcatores frē n̄re t̄tentur q⁹ tūc inuenient⁹ in fra cont⁹ nos guerrina. Et si n̄ri salui sint ibi alii salui sint in fra n̄ra. Si quis tenu⁹it de aliqua eschaeta sicut de honore Walingford Notingham Boloñ Lancasteř uel aliis eschaectis q⁹ sunt in manu n̄ra & sunt baronie & obierit heres eius nō det aliud releniū nec faciat nob⁹ aliud ſuiciū q⁹m faceret baroni, si fra illa esset in manu baronis; & nos eodem m⁹ eā tenebim⁹ quo baro eam tenuit. Homines qui manent ext⁹ forestam nō veniant de cefo coram Justiciař n̄ris de foresta p cōmunes ſumoniōnes n⁹ sint in placito ut p̄gii alicui⁹ v̄l aliquoꝝ qui attachati sint p foresta. Omnes homines q⁹ fundauerit Abbacias vnde habent cartas Regū Angl⁹ ut antiq⁹ tenuram habeant eaꝝ custodiam cū vacu⁹int sicut h̄re debent & sicut sup⁹ declarat⁹.

¹ So in MS.

No bailiff shall henceforth put any man to law upon ^{Witnesses} required. a simple statement, without trustworthy witnesses brought in for the same.

No freeman shall be taken or imprisoned or disseised or outlawed or exiled, or in any otherwise destroyed; nor will we pass upon him nor send upon him but by the lawful judgment of his peers or by the law of the land. We will sell to no man, the land. we will deny to no man, or delay, right or justice.

All merchants, unless they were before publicly prohibited, shall have safe and secure [conduct] to depart from Ireland, and come into Ireland, and to tarry in and go through Ireland, as well by land as by water, to buy and sell, without all the evil extortions, by the old and rightful customs, except in time of war. And if they be of a land in a state of war against us, and if such are found in our land in the beginning of the war, they shall be attached without harm of bodies or goods, until it be known by us or our Chief Justiciar how the merchants of our land are treated, who then shall be found in the land in a state of war against us. And if ours be safe there, the others shall be safe in our land.

If any hold of any escheat, as of the honor of Wallingford, Nottingham, Boulogne, Lancaster, or any other escheats which are in our hand, and are baronies, and die, his heir shall not give any other relief nor render to us other service than he should do to the Baron if that land were in the hand of the Baron; and we in the same way will hold it as the Baron held it.

Men that dwell out of the forest from henceforth shall not come before our justices of the Forest by common summons, unless they be impleaded or be sureties for some person or persons who were attached for the forest.

All men who have founded abbeys, for which they have Custody of charters of the Kings of England or ancient tenure, shall have the custody of them when they become vacant, as they ought to have, and as is above declared.

Omnis foreste que afforestate sunt tempe J: Regis pat's nri statim deafforestent' & Ita fiat de ripariis que p eumdem J. tempore suo posite sunt in defenso. Nullus capiat' ut impsonet' pp appellū femine de morte alius q'm viri sui. Omnes autē istas cōsuetudines p̄dicas & libertates quas concessim' in regno nro tenendas q'ntū ad nos ptinet erga nros, omnes de regno nostro tam clerici q'm laici conseruet q'ntū ad se ptinet erga suos. Quia vero quedam capitla in p'ori carta continebant' que grauia & dubitabilia uidebant' scilicet de scutagiis & auxiliis assidendis, De debitibz Judeoꝝ & alioꝝ & de libertate exeundi de regno nro & redeundi in regnū nrm, De forestis & forestariis, De Warenis & Warenariis, de consuetudinibz comitatuū, Et de Ripariis & eaꝝ custodibz placuit sup' d̄cis p̄latis & magnatibz ea esse in respectu q'usq; plenius consilium habuerim' & tūc faciemus plenissime tam de hiis q'm de aliis que occurrerint emendenda id qd ad cōmunē omniū vtilitatem ptinu'it & pacem & statū nrm & regni nri. Quia vero sigillum nondū habuimus p̄sentem cartam sigillis venerabilis pat's nri dñi Guale it̄ sc̄i Martini p̄sbifī Cardinat apostolice sedis legati, Et Wilii Marescalli Comitis Pembroꝝ Rectoris nri & regni nri fecim' sigillari. Testibz om̄ibz p̄notatis & aliis multis. Datū p man' p̄dcoꝝ dñi legati & Wilii Marescalli apud Bristolī duodecimo die Nouemb̄ regni nri Anno p'mo.

All forests which were afforested in the time of King John, Disafforestation. our father, shall be immediately disafforested; and so let it be done in the case of rivers which were placed in defence by the Rivers. said John in his time.

No one shall be taken or imprisoned on account of the Appeal for death. appeal of a woman for the death of any other than her husband.

And all those customs and liberties, aforesaid, which we have granted to be held in our kingdom, as far as to us appertains towards our men, everyone in our realm, as well clergy as laymen, shall observe, as far as appertains to them, towards their men.

Inasmuch, however, as certain chapters were contained in Postpone-
the former charter which seemed grievous and doubtful, that certain
is to say, about assessing scutages and aids, as to debts of articles.
Jews and others, and liberty of leaving our kingdom and
returning to our kingdom, as to forests and foresters, warrens
and warreners, about customs of counties, and rivers and
their keepers, it seemed good to the aforesaid prelates and
magnates that these should be held over until we should have
had fuller counsel, and then we shall, in the fullest manner,
as well with regard to these things as to others which happen
to require amendment, do what pertains to the common
utility of all and the peace and good estate of us and our
kingdom.

And because we have not yet a seal, we have caused this present charter to be sealed with the seals of our venerable father, the lord Gualo, cardinal priest by the title of St. Martin, legate of the Apostolic See, and of William Marescal, earl of Pembroke, governor of us and of our kingdom. Witness all the aforesaid and many others.

Given by the hands of the aforesaid Lord Legate and William Marescal, at Bristol, the twelfth day of November, in the first year of our reign.

6 HENRY III. A.D. 1222.

[CLOSE ROLL (ENGL.) 6 HENRY III. m. 10].¹

Pleas of
bounds in
Ireland as in
England.

IRELAND.} The King to the said Archbishop [Henry de Loundres, Archbishop of Dublin], greeting. We have been given to understand that pleas which are moved in Ireland by writ of making of bounds are dealt with otherwise than in our kingdom of England, insomuch that they against whom such writs are obtained in Ireland sometimes, as is said, lose seisin of their lands by the sole verdict of those by whom the bounds are made, as if they were perambulators, no defence which they offer helping them, which is manifestly contrary to the custom of our realm of England, because he against whom a writ of bounds is obtained in England may have the defence of the duel and otherwise, as if a plea had been moved against him by writ of right. Wherefore we command you that henceforth you cause pleas of bounds in Ireland to be held and dealt with as they are wont to be held and dealt with in our kingdom of England, as you well know that the laws of our land of Ireland and of England are and ought to be the same. Witness H[ubert] de Burgo, our Justiciar, at Westminster, the 17th day of May, in the 6th year of our reign.

Laws of both
countries are
and ought to
be the same.

6 HENRY III. A.D. 1222.

[PATENT ROLL (ENGL.). 6 HENRY III. m. 2].²

Limitation of
Writs of *mort
d'ancestor* as
in England.

IRELAND} : The King to the Archbishop of Dublin and his Justiciar of Ireland, greeting. At the petition of you and of our magnates of Ireland, we have granted and we will that a change of the limit which is usually written in writs of *mort d'ancestor* be henceforth made in Ireland, as is appointed in England, that is to say, that in place of this clause "after the first coronation of King Henry our grandfather" it be written thus, "after the first coronation of King Richard our uncle." And therefore we command you that henceforth you

¹ The text is printed in *Rot. Lit. Claus. in turri Lond.*, 1204-1224, p. 497.

² The text is printed in *Patent Rolls 1216-1225 (P.R.O. series)*, p. 836.

cause such writs to be made in this form, saving however the process of the recognitions and pleas which have been moved under the first form. And this we notify to the archbishops, bishops, abbots, priors, earls, barons, knights, free tenants, and all persons of our realm of Ireland.

In witness whereof we send you these our letters patent; witness H[ubert] &c. at the Tower of London, the 18th day of July in the sixth year of our reign; by the same.

10 HENRY III. A.D. 1226.

[PATENT ROLL (ENGL.) 10 HENRY III., m. 4.]¹

IRELAND}. The King to his beloved and faithful G[eoffrey] de Marisco, Justiciar of Ireland, greeting. We command you that you keep and cause to be kept the laws and customs of our land of England in our land of Ireland, as the lord King John our father enjoined them to be kept when he was last in that land. In witness whereof, &c. Witness myself at Windsor, the 29th day of June.

Laws and
customs of
England to
be kept in
Ireland.

11 HENRY III. A.D., 1226.

STATUTE OF IRELAND—OF LANDS GIVEN IN FREE
MARRIAGE.²

WHEN anyone shall have taken land in marriage with a wife, if he have begotten of his said wife an heir, be it son or daughter, who shall be heard to cry within four walls, if the said husband survive his wife, whether the heir live or not, that [land in] marriage shall remain [to him] for life, and after his death shall revert to the donor or to his heir. But if he have no heir by his wife,

¹ The text is printed in *Patent Rolls* 1225–1232 (P.R.O. series) p. 48.

² Entitled "Statutum de Hibernia de terra data in liberum matratorium," in *Harleian MS.* (Brit. Mus.), No. 1807, fo. 248. The text taken from *MS. Lansd.*, 480, fo. 188 b., which is entitled "Statutum de tenentibus per legem Anglie," is printed in *Statutes of the Realm*, I. 220, among those of uncertain date. By a writ enrolled in *Pat. Rot.* (Engl.) 11 Henry III. (see *Patent Rolls* 1225–1232, P.R.O. series, p. 96), this law and custom were to be of force in Ireland. See also *Blackstone's Com.*, Book II., ch. 8.

then after the death of the wife, it shall revert to the donor or to his heir. And this is the cause wherefore [for land given] in marriage, homage is not wont to be received ; for if any land were so given in marriage, or otherwise that homage were received, then it might never lawfully revert to the donor or his heirs as is aforesaid. And the same judgment shall be of the second husband as is said of the first, whether there be left any heir of the first or not.

12 HENRY III. A.D. 1227.

[COTTON MS. JULIUS D. II., f. 143 b. BRITISH MUSEUM.]

H. di grā Rex anglie,
Dns hibnie dux
Normanū et Aq'etanie
Comes Andeg, Archiepcis,
Epcis, Abbatibz, Comitibz,
Baronibz, Militibz, libe ten-
entibz, & omibz Ballivis &
fidelibz suis toti' hibnie
Salutē. Qm̄ volum' scdm̄
qsuetudinē regni nri Anglie
singulis q̄rentibz de injuria
in regno nro H̄ibnie Justiciam
exhibi; for'm bviū de cursu
quibz id fi solet p̄senti sc̄pto
duxim' inserend' & ad vos
t̄nsmittend' ut p ea que ad
casus certos & nominatos in
sc̄pto isto Justicia inf' vos
p b̄e & sigillū Justicū nri
Hibnie teneat'. Teste me
ip̄o apud Can̄ Decimo die
Novemb̄is Anno nri xij, ° &c.

H[ENRY] by the grace
of God, King of
England, lord of Ireland, duke
of Normandy and Aquitaine,
count of Anjou, to the arch-
bishops, bishops, abbots, earls,
barons, knights, free tenants
and all his bailiffs and faith-
ful people of all Ireland,
greeting. Whereas we will
that justice should be ex-
hibited to those who complain
of injury in our realm of
Ireland, according to the
custom of our realm of
England, we have thought fit
that the form of writs of
course by which that is wont
to be done should be inserted
in this present writing and
transmitted to you, so that by
those which [apply] to the
particular cases, and are
named in this writing, justice,
by writ and seal of our
Justiciar of Ireland, may be
maintained among you. Wit-
ness myself at Canterbury,
the tenth day of November in
the twelfth year of our reign.

Here follows a Schedule of the Writs.¹

¹ For a detailed notice of them, see History of the Register of Original Writs, by Professor F. W. Maitland. (*Harvard Law Review*, Oct., 1889, Vol. III., No. 8).

12 HENRY III. A.D. 1228.

[CLOSE ROLL (ENGL.) 12 HENRY III. m. 8.]

DE legibz & cōsuetud
observandis i Hibern. }
ex eidē Rīc. Mandam⁹ vob
nīl p̄cipiētes q̄tin⁹ & to die &
eo faciatis venire corā vob
chiepos, ep̄os, abb̄es, p̄ores,
mītes & barones, milites &
te tenētes & ballīos singlōz
mitatū & corā eis publice
ḡi faciatis cartā dñi J. R̄ pris
i cui sigillū suū appensū est,
iā fi fē & jurari a magna-
b̄z Hibern de legibz & cōsuetu-
nibz Angl ob̄svand i Hibern.
t p̄cipiatis eis ex pte n̄ra qd
ges illas & cōsuetudīes in
iūta p̄dca qtentas decēto
mīl teneāt & ob̄svēt, & hoc
lē p singlōs comitat⁹ Hibern
amari faciatis & tēfī, phibētes
mīl ex pte n̄ra & sup
prisfcurā n̄ram ne quis cōt⁹
oc mandatū n̄rim venire
sumat, eo excepto, qd n° de
orte n° de catallis Hibernensiū
ccisoz nich statuat⁹ ex pte

OF laws and customs to be King John's
Charter as to } observance of
observed in Ireland. } The King to the said Richard English laws
and customs [de Burgh, Justiciar of Ire- in Ireland to
land]. We command you, be observed.
firmly enjoining that on a
certain day and at a certain
place you cause to come
before you the archbishops,
bishops, abbots, priors, earls,
and barons, knights, and free
tenants and bailiffs of the
several counties, and before
them cause to be publicly
read the charter of the lord
King John our father, to
which his seal was appended,
which he caused to be made
and to be sworn to by the
magnates of Ireland, concerning
the observance of the laws
and customs of England in
Ireland; and enjoin them on
our behalf that those laws and
customs in the said charter
contained they henceforth
firmly keep and observe, and
cause this [ordinance] to be
proclaimed and kept through- Proclamation
out the several counties of of this
Ireland, firmly forbidding on
our behalf and upon forfei- ordinance.
ture to us, that anyone should
presume to contravene this

Respite to
Michaelmas
as to death
and chattels
of Irishmen
slain.

ñra cit^a q^undecim dies a die
Sci Mich anno r̄ n̄ xij^o, sup
quo respectū dedim^u magna-
tibz ñris Hiñn usq^u fminū
þdcm. T. ut sup^a.

[i.e., 'T. me ipo apd Westm.
vij. die Maii, anno xij^o.']

our mandate, excepting that
of the death or of the chattels
of Irishmen slain, nothing be
decided on our behalf before
the quinzaine of Michaelmas
in the twelfth year of our
reign, upon which point we
have given respite to our
magnates of Ireland until the
said term. Witness as above
[i.e. witness myself at West-
minster the 8th day of May,
in the twelfth year].

18 HENRY III. A.D. 1233.

[PATENT ROLL (ENGL.) 18 HENRY III. m. 17.]

HIBN. de placitis laici
foodi & advoç eccliaꝝ.
Rex com^u, baꝝ, militibꝝ & libis
hōibꝝ & ſibꝝ aliis de Fra
Hiñnie, salt. Qia manifeste
ēe dinoscit^r q^u corona &
dignitatē ñram & cōsuetudē &
leges regni ñri Angl quas
bone memorie dñs J. rex p̄r
ñr de cōi ñiū de Hiñn cōsensu
Teneri statuit in Fra illa qd
placita teneant^r i cuiꝝ Xpianit
de advoçibꝝ eccliaꝝ & cap̄lliaꝝ
vel de laico feodo vel de
cataꝝ q nō sūt de testi vi

IRELAND—Of pleas of
lay fee and advowsons
of churches. The King to
the earls, barons, knight^s,
and free men and all others
of the land of Ireland, greet-
ing. Whereas it is clearly
discerned to be contrary to
our crown and dignity and
the customs and laws of our
realm of England, which the
lord King John our father, of
happy memory, with the com-
mon consent of all men of
Ireland, ordained to be kept
in that land, that pleas should
be held in a court Christian
concerning advowsons of
churches and chapels or of lay
fee or of chattels, which are

mat^hmonio; vo^h mandam^h phi-
bentes q^htinus h^hi p^h i cu^h
Xpia^h nullaten^h Seq^h psumatis
i manifestū dignitatis & corone
nre pjudiciū Scit^hi p^h &to qd si
fe^hditis dedit^h i mandatis justi^hc
nro Hib^h statuta cu^h nri i
Angl q^h t^hns^hssores h^h mand^h
nri cū justicia pcedat & qd
nrm est exeq^ht^h. In c^h &c,
T. ut s^h. [i.e., T. R ap^h Win-
checū^h, xxvij. die Oct a. r.
n. xvij^h.]

Et mand^h est arch^h epis
abb^htib^h priorib^h archid^h decanis
& oib^h platis & psonis ecclias-
ticis qd h^hi p^h i cu^h Xpianit^h
teſte nō psumat^h.

Et mand^h est justi^hc Hib^h
p li^has ct qd pd^has li^has pat^h
publice legi & teni fac^h.

not connected with testamen- Pleas of lay
tary or matrimonial matters, fee and
we forbidding that you should advowson of
presume in anywise to sue in a court
such plea in a court Christian,
to the manifest prejudice
of our dignity and crown,
command you that it be pro-
claimed for certain, that if you
do so, we have given it in
command to our Justiciar of
Ireland [that according to] the
statutes of our court in Eng-
land he should justly proceed
against transgressors of this
our mandate and execute what
belongs to us. In witness,
&c., witness as above [i.e.,
witness the King at Winch-
combe the 28th day of October,
in the 18th year of our reign].

And it was commanded to
the archbishops, bishops,
abbots, priors, archdeacons,
deans, and all prelates and
ecclesiastical persons that they
presume not to hold such pleas
in a court Christian.

And it was commanded to
the Justiciar of Ireland by
letters close that he cause
the said letters patent to be
publicly read and kept.

19 HENRY III. A.D. 1234.

[CLOSE ROLL (ENGL.) 19 HENRY III. m. 23 d.]

The Writ as
to making of
bounds to run
in Ireland as
in England.

HYBN. de divisis fač i
Hybñ.} Rex eidē
bounds to run
in Ireland as justicē salt. Quia datū est
in England. noſ intillgi qd justicia quo
ad divisas faciendas inf^o ƿras
divſaz villaž in Fra nra Hibñ
nimis prograt^r & dāpnū ex eo
sepi^r qtingit eo qd bre nrm
de divisas faciendis nō currit
in ptibz þdčis, voſ mandam^r
qd bre illud de ceſo ibidē
currere faciat in forma qua
currit in Fra nra Angt. Ut
aut de forma iſiūs břis pleni^r
& tioremini iſam litřis nris paſ
duxim^r inserendā & voſ trans
mittendā.

Dns rex mittit ei formā
litřaz de diviſ faciendis &c.

[Bracketed with other
entries under the following
date:—‘T. R. ap S̄cm Albañ
xxvij die Nov.’]

IRELAND. Of the mak
ing of bounds in Ireland.}

The King to the said
Justiciar [Maurice FitzGerald,
Justiciar of Ireland] greeting.
Whereas we have been given
to understand that as regards
the making of bounds between
the lands of divers vills in our
land of Ireland, justice is too
much delayed and injury often
happens from this cause, that
our writ of the making of
bounds does not run in the
parts aforesaid, we command
you that you cause that writ
to run therein henceforth in
the form in which it runs in
our land of England. In
order however that you may
be more fully informed of the
form of the said writ, we have
thought fit to insert it in our
letters patent and to transmit
it to you.

The lord the King also
sends to him the form of
letters concerning the making
of bounds, &c.

[Witness the King at St.
Albans the 27th day of
November.]

20 HENRY III. A.D. 1236.

THE PROVISIONS OF MERTON.¹

It was provided in the court of our lord the King, holden at Merton on Wednesday the morrow of the feast of St. Vincent, the 20th year of the reign of King Henry the son of King John, before [Edmund] Archbishop of Canterbury, and [his bishops suffragan] and before the greater part of the Earls and Barons of England being there assembled for the coronation of the said King and Alianor the Queen, for which they all were called; when it had been treated for the commonweal of the realm, upon the articles underwritten, it was thus provided and granted as well by the aforesaid Archbishop, Bishops, Earls and Barons, as by the King himself and others.

I. First, of widows who after the death of their husbands are deforced of their dowers, and cannot have their dowers or quarantine without plea, whosoever deforce them of their dowers or quarantine of the lands, whereof their husbands died seized, and that the said widows after shall recover by plea, they that are convicted of such wrongful deforcement shall yield damages to the said widows; that is to say, the value of the whole dower to them belonging, from the time of the death of their husbands unto the day that the said widows, by judgment of court, have recovered seisin thereof; and the deforcers nevertheless shall be amerced at the King's pleasure.

II. Also, from henceforth all widows may bequeath the corn of their ground, as well of their dowers as of other their lands and tenements, saving to the lords [of the fee] the services which are due for their dowers and other tenements.

III. Also, if any be disseised of their freehold, and before the Justices in Eyre have recovered seisin by assise of novel disseisin, or by confession of them who did the disseisin, and the disseisee has had his seisin by the sheriff; if the said disseisors afterwards after the eyre of the Justices, have disseised the same plaintiff again of the same freehold, and thereof are convicted, they shall be forthwith taken and kept in the King's prison until they shall be discharged by the lord the King, by fine or by some other means. And this is the form how such convicted persons ought to be punished, that is to say, when the plaintiffs come to court they shall have the lord the King's writ directed to the sheriff, in which shall be contained the narration of disseisin done upon disseisin: and so it shall be commanded to the sheriff, that he, taking with him the keepers of the pleas of the crown, and other lawful knights, in his proper person shall go to that tenement or pasture, whereof the plaint has been made, and before them, by the first jurors and other neighbours and lawful men, shall make diligent inquisition thereof; and if he find him disseised again, as is aforesaid, then let him do according to the provision aforementioned; but if not, then the plaintiff shall be amerced [by the King] and the other go quit; neither ought the sheriff to prosecute such plaint without special precept of the lord the King. In the same manner it shall be done to them who shall have recovered seisin by assise of *mort d'ancestor*; and so shall it be of all lands and tenements recovered in the King's Court by inquests, if afterwards they be disseised by the first deforcers, against whom they have recovered in anywise by inquest.

¹ Text taken from MS. (Brit. Mus.) Cott. Cland, D., II., fo. 142, is printed in *Statutes of the Realm*, I. p. 1.

Common of pasture by freeholders within great manors.

IV. Also, inasmuch as many great men of England, who have enfeoffed knights and their freeholders of small tenements in their great manors, have complained that they cannot make their profit of the residue of their manors, as of wastes, woods, and pastures, while the same feoffees have sufficient pasture, as much as belongs to their tenements ; it is thus provided and granted, that what persons so enfeoffed bring assise of novel disseisin for their common of pasture, and it is recognized before the justices, that they have as much pasture as suffices for their tenements, and that they have free ingress and egress from their tenements unto their pasture, then let them be contented therewith ; and they of whom they had complained shall go quit of that which they have made their profit of the lands, wastes, woods, and pastures ; and if they allege that they have not sufficient pasture, or sufficient ingress and egress as appertains to their tenements, then let the truth be inquired by assise ; and if it be recognized by the assise, that their ingress or egress were in any way hindered by the same [deforcers] or that they had not sufficient pasture and sufficient ingress and egress, as is aforesaid, then shall they recover their seisin by view of the jurors : so that by their discretion and oath, the plaintiffs shall have sufficient pasture, and sufficient ingress and egress in form aforesaid ; and the disseisors shall be amerced by the King, and shall yield damages, as they ought to have rendered before this provision. And if it be recognized by the assise, that the plaintiffs have sufficient pasture with free and sufficient ingress and egress as is aforesaid, then the others may make their profit lawfully of the residue, and go quit of that assise.

Usury shall not run against minors.

V. Likewise, it is provided and granted by the lord the King, that from henceforth usuries shall not run against any under age, from the time of the death of his ancestor, whose heir he is, unto his lawful age ; so nevertheless, that payment of the principal debt, together with the usury before the death of his ancestor, whose heir he is, remain not [unpaid] by reason of this.

Penalties for ravishment, &c., of a Ward; forfeiture of marriage ;

VI. Of heirs abducted or detained by force [or married¹] by their kindred, or by others, it is thus provided : that whatsoever layman be convicted of this, that he has so detained, abducted, or married any child, he shall yield to the loser the value of the marriage ; and for the offence his body shall be taken and imprisoned until he have recompensed the loser, if the child be married ; and further, until he have satisfied the lord the King for the trespass ; and this shall be done of an heir under the age of fourteen years. And touching an heir being fourteen years old or above, unto full age, if he marry without licence of his Lord to defraud him of the marriage, and his Lord offer him reasonable marriage, without disparagement, then his Lord may hold his land beyond the term of his age, that is to say, of one and twenty years, for such time as he may receive thereout double the value of the marriage according to the estimate of lawful men, or according to what had been offered him before for the said marriage without fraud and collusion, and according to what may be proved in the King's Court. And as touching Lords, who have married those that they have in ward to villeins, or others, as burgesses, where they be disparaged, if any such heir be under the age of fourteen years, and of such age that he cannot consent, then, if his kindred complain, the Lord shall lose the wardship, up to the legal age of the heir ; and all the profit that thereof shall have been taken, shall be converted to the use of the heir being under age, according to the disposition and provision of his kindred, for the disgrace done to him ; but if he be fourteen years and above, so that he might consent, and shall have consented to such marriage, no penalty shall follow.

and disparagement of a Ward in marriage.

¹ Several MSS. insert "seu maritatis" here.

VII. If an heir, of what age soever he be, will not marry at the request In what case of his Lord, he shall not be compelled thereunto ; but when he shall a Ward shall have come to full age, he shall give to his Lord, and pay him as much as pay to his lord any would have given him for the marriage, before he receive his land ; the value of and that whether he will marry himself, or not ; for the marriage of him his marriage. who is under age of mere right appertains to the Lord of the fee.

VIII. Touching the narration of descent in a writ of right from an Limitation of ancestor from the time of King Henry the elder, the year and day [on writs. which he died], it is provided, that from henceforth it be not made of Writ of right so long time, but from the time of King Henry our grandfather ; and this provision shall take effect at Pentecost, the one and twentieth year [of our reign,] and not before, and the writs before purchased shall pro- Mort d'ance- ced ; writs of mort d'ancestor, of natives, and of entry, shall not go cestor, &c. beyond the last return of King John [from Ireland] into England ; writs Novel of novel disseisin shall not go beyond the first voyage of our lord the disseisin. King that now is, into Gascony¹ ; and this provision shall take effect from the time aforesaid, and writs purchased before shall proceed.

IX. To the King's writ of bastardy, whether one born before One born wedlock may have his inheritance in like manner as he that is born after, before all the Bishops answered that they would not, and could not answer to it ; marriage of because it was against the common order of the Church. And all the parents a Bishops requested the Magnates to consent that such as were born before bastard. wedlock should be legitimate, as well as they that are born after wedlock, as to the succession of inheritance, forasmuch as the Church holds such as legitimate. And all the Earls and Barons with one voice answered, that they would not change the laws of England, which hitherto have been used and approved.

X. It is provided and granted, that every freeman, who owes suit to Attornies in the County, Trything, Hundred, and Wapentake, or to the court of his several courts. Lord, may freely make his attorney to do those suits for him.

XI. Concerning trespassers in parks and vivaries it was not decided ; Trespassers because the Lords demanded their own prison of such as they should take in parks. in their parks and vivaries, which the lord the King denied ; wherefore it was deferred.

CLOSE ROLL (ENGL.) 20 HEN. III. m. 13 d.

The Constitutions made at Merton above enrolled, namely on the 8th day of February, were sealed with the seal of the lord the King [and] transmitted into Ireland to run in those parts and to be observed as in England, and of this mention is made in the writ directed to the Justiciar of Ireland within enrolled.

The King to his beloved and faithful M[aurice] FitzGerald, his Justiciar of Ireland, greeting. The bearer of these presents showed to us that whereas he lately in our Court before our justices for this purpose lately by you constituted in Ireland, recovered his seisin, against a certain man, of his free tenement, his said adversary afterwards again disseised him of the same tenement, and accordingly, we send you under our seal, the

¹ Six other MSS. read "Brittany" here.

The particular case presented to the King by George Desaffuble on behalf of Luke, Archibishop of Dublin, and Maurice FitzGerald, Justiciar of Ireland, was one regarding persons born before and after wedlock. (See cap. IX.)

Constitution lately in such case made before us and our magnates of England, and also other articles for the improvement of our realm, commanding that with the advice of the venerable father L[uke] archbishop of Dublin, you cause that Constitution to be read and from henceforth strictly observed in our Court in Ireland, and that you cause full justice to be administered to the said complainant according to the same.

Witness the King as above [i.e. at Mortlake, 9th May].¹

20 HENRY III., A.D. 1236.

THE STATUTE OF IRELAND.

CONCERNING COPARCENERS.²

HENRY, by the grace of God, King of England, &c. To his beloved and trusty M[aurice] FitzGerald, his Justiciar of Ireland, greeting.

Certificate of the law of England as to lands descending to co-parceners.

Whereas certain Knights from your parts of Ireland lately coming to us, have informed us that when an inheritance devolves on sisters in our kingdom of Ireland, our justices in eyre in those parts are in doubt whether younger sisters ought to hold of the eldest sister, and do homage unto her for their portions, or of the chief lord and do homage unto him; and forasmuch as the said Knights have requested that it be certified by us how it has been used heretofore in our kingdom of England in like case; at their instance, We make known to you that in our kingdom of England the law and custom in such case always was, that if any hold of us in chief and have daughters as heirs, on the death of the father our ancestors and We have always had homage of all the daughters, and each of them in this case holds of us in chief, and if they were under age We have had the ward and marriage of them. But if he hold of any other than of us, and the sisters be under age, the lord shall have the ward and marriage of them all, and the eldest only shall do homage to the lord for all the sisters, and when the other sisters come to age they shall do services to the lords of the fee by the hands of the eldest, nor can the eldest by this occasion seek from her younger sisters homage or ward or any other mark of subjection, and for this reason; that whereas all are sisters, as one heir of one inheritance, if the eldest should have homage of the other sisters and wardship, then the same inheritance would be divided, so that the eldest sister would become altogether and at once seigniress and heir of the one inheritance, that is to say, heir of her own part and seigniores of her sisters, which in this case could not happen, inasmuch as the eldest can demand no more than the youngest, save the chief messuage, by reason of esnecy; and moreover since the eldest is heir of all the other sisters if they should die without an heir of their own, if she could have the wardship of her sisters or their children, this would be (as it were) to commit the lamb to the wolf to be devoured. And theretore we command you that the aforesaid customs in this behalf, which we hold in our realm of England according to what is aforesaid, you cause to be proclaimed and strictly observed in our realm of Ireland. Witness the King at Nottingham, the 30th day of August.

The King's lands.

Lands held of others.

The eldest daughter shall not have homage of the others.

¹ The Provisions of Merton were re-enacted for Ireland by Statute in a parliament held in Dublin, 13 Edward II, cap. 2.

² Text taken from Close Roll (Eng.) 20 Hen. III. m. 4d., as printed in *Statutes of the Realm*, I. p. 5.

21 HENRY III. A.D. 1236.

[PATENT ROLL (ENGL.) 21 HENRY III. m. 10.]

DEpvisione novoꝝ břiuꝝ. }
 Rex archiep̄is, ep̄is,
 abb̄tibꝝ, prioribꝝ, coꝝmbꝝ baꝝ,
 militibꝝ & oꝝmbꝝ libe tenentibꝝ^z
 in Hiſnia constitutis salt.
 Sciat̄is qđ in p̄ſencia veň
 p̄ris E. Cant̄ archiep̄i Epoꝝ
 abb̄m comitū & baꝝ de regno
 Angl̄ & de cōi qſilio eorumdē
 magnatū nup p̄visū fuit qđ
 quedā břia ſra de cursu
 mutant̄ in artichis subſcriptis,
 vid̄ in narraſone descens̄ ab
 añcessoribꝝ in bři de recto q̄
 p̄us fi ſolet a tempe H. regis
 ſenis anno & die quo obiit ;
 p̄visū est qđ deceſo nō fiat
 computo a tam longinꝝ tempe,
 ſet a tempe regis, H. avi ſri.
 Břia mortis añcess̄ & břia de
 nativis quoꝝ p̄min' prius fuit
 p̄ p̄imam coꝝ R. reḡ aꝝucti
 ſri ; deceſo nō excedat ultimū
 redditū dñi J. regis p̄ris ſri de
 Hybñ in Angl̄. Břia vero

OF the provision of new Limitation of
 Writs. The King to Ireland.
 the archbishops, bishops,
 abbots, priors, earls, barons,
 knights, and all free tenants
 in Ireland, greeting. Know
 ye that in the presence of the
 venerable father E[dmund]
 archbishop of Canterbury, the
 bishops, abbots, earls, and
 barons of our realm of Eng-
 land, and with the common
 counsel of the said magnates,
 it was lately provided that
 certain of our writs of course
 should be changed in the
 points underwritten, that is
 to say, in the narration of
 descent from ancestors in the
 writ of right, which formerly
 was wont to be made from
 the time of King Henry the
 elder, the year and day on
 which he died, it is provided
 that henceforth the reckoning
 shall not be made from so
 distant a time, but from the
 time of King Henry our
 grandfather ; writs of *mort d'ancestor* and writs of
villeins, whereof the limit
 was formerly after the first
 coronation of King Richard
 our uncle, shall henceforth
 not go beyond the last return
 of the lord King John, our
 father, from Ireland into *Novel*
disseisin.

nove disseisine quoꝝ fmin' p'us fuit p' p'mā cor̄ n̄ram ap̄ Westm; deceſo nō excedāt t'nsfretaſcom n̄ram in Britanniā q̄ fuit p'mo die Maii, anno ſi n̄ xiiij°, & fiat ſic fmin' p' t'nsfretaſcom n̄ram in Britan̄. Sic autē inſtigenda eſt p'vizio þd̄ca; q̄d q̄ſtiſo iſta locū h̄at & vigorem ad Pentecosten a ſi n̄ xxj° & nō ante, & b̄ria p'us impet'ta ſub fminis p'oribꝫ p'cedāt. Qm̄ igit̄ volūm' q̄d eed̄ leges & q̄ſuetudies q̄ obſvant̄ in regno n̄ro Anḡt teneant̄ in Hyb̄n mandavim' justiſ n̄ro Hyb̄nie q̄d p'vizioñ þd̄cam p̄ totā bālhā ſuā clamari & firmiſ in Hib̄n teneri faſ, & hoc voſ significam' ut de p'vizioñ þd̄ca voſ ſtificem', & q̄ntū in voſ eſt eā teneatis. T. R ap̄ Westm, ut ſe. [i.e., 'T. R ap̄ Westm, xx. die Marci.']

Proclamation
thereof.

disſeisin, whereof the limit was formerly after our first coronation at Westminſter, ſhall henceforth not go beyond our crossing into Brittany which was on the first day of May, in the fourteenth year of our reign, and the limit ſhall be made thus, after our crossing into Brittany. The ſaid provision however is to be ſo understood that this ordinance ſhall have place and force at Pentecot in the twenty-first year of our reign and not before, and writs purchased previously under the former limits ſhall proceed; Since therefore we will that the ſame laws and customs which are observed in our realm of England, be kept in Ireland, we have commanded our Justiciar of Ireland that he cause the ſaid provision to be proclaimed throughout the whole of his jurisdiction and to be ſtrictly kept in Ireland, and this we notify to you that we may certify you of the ſaid provision, and as far as in you lies, you may keep the ſame.

Witness the King at Westminſter as above [i.e. witness the King at Westminſter the twentieth day of March].

21 HENRY III. A.D. 1237.

[CLOSE ROLL (ENGL.) 21 HENRY III. m. 2.]

HIBN. de Natis añ
m̄rimoniū.} Rex justic
suo H̄ibn salt. Significam'
vob̄ sic alias significavim' qd
si nat' añ m̄rimoniū cui
movet' questio cognoscat se
ēe natū añ m̄rimōniū; n°
petere potest h̄editatē n°
petita retifie scdm cōsuetudinē
Angl, n° tāl si dicat se natū
ēe post nō est mittendus ad
cuř Xpianitatis eo qd cler
tale ht p legitimo. Et lo
vob̄ mandamus q̄tin' scdm qd
p̄dcm est i ptibz v̄ris id si
faciatia. T. ut s*. [viz., 'T.
¶ ap̄ Notinḡ, vj. die Oct.]

IRELAND: Of those born Of those born
before wedlock.} The before
King to his Justiciar of
Ireland [Maurice FitzGerald],
greeting. We notify to you,
as on another occasion we
have notified, that if one born
before wedlock, regarding
whom question arises, acknowl-
edge that he was born before
wedlock, he cannot according
to the custom of England,
either sue for an inheritance
or retain it when recovered,
nor if such person say he
was born after wedlock, is
he to be sent to a court
Christian, because the clergy
hold such as legitimate. And
therefore we command you
that you cause it to be done
in your parts according to
what is aforesaid. Witness as
above [i.e. witness the King,
at Nottingham the 6th day of
October].

21 HENRY III. A.D. 1237.

[CLOSE ROLL (ENGL.) 21 HENRY III., m. 2.]

Writ of
bounds.

HIBN. de bri de divisis.} Mand est justic Hibn
qd si bre R de Ronab divisis faciendis fuit i usu i Hibn ainq⁴ Ri^cs Duket & Sim^m de Hall q^os Rex illuc misit ad itinrand ad ptes illas venisset & si p ipos sⁿ coi assensu magnatū Hibn fuit abrogatum & ne cursale ēet phibitū; tūc p cōs cōsiliū & assensū eožd magnatū pdcm bre fač i usū revocari & p illud placitari eož m^o quo si cōsuevit ainq⁴ ipi Ri^c & Sim i Hibn venissit p pcept R. T. ut s^a. [viz., 'T. R. ap Noting, vj. die Oct.']

IRELAND: Of the Writ of Bounds.} The Justiciar of Ireland [Maurice FitzGerald] is commanded that if the King's writ concerning the making of reasonable bounds were in use in Ireland before Richard Duket and Simon de Hall, whom the King sent thither [as justices] in eyre, had come to those parts, and if it were abrogated by them and forbidden to run without the common assent of the magnates of Ireland, then by the common counsel and assent of the said magnates he should cause the writ aforesaid to be recalled into use, and pleas to be pleaded by it in the same manner in which it was accustomed to be done, before the said Richard and Simon had come into Ireland by the King's command. Witness as above [i.e. Witness the King at Nottingham the sixth day of October.]

22 HENRY III. A.D. 1238.

[CLOSE ROLL (ENGL.) 22 HENRY III. m. 16 d.]

HYBN. BRE de Bastardo.
 RE justicE HybN salt.
 Sciatis qu h est quuetudo usitata
 in regno nostro Angl qundo
 bastardus aliqs morits sine
 herede de se ; Fra qu tenuit
 debet reverti ad illu de quo
 bastards ille tenuit fram illu
 i capite & ut sciatis forma
 brevis nostri in casu illo ; mittim
 vos forma illu litis nostris
 inclusas, vos matdates qutins
 bre illud usitari faciatis i tali
 casu in Fra nostra HybN, juxa
 forma illu previdets Roberto de
 Hyda, & uxori sue justicie
 plenitudine exhibi. T. RE aper
 Theoku, v. die April, anno xxijo.

IRELAND : Writ as to a Bastard
 Bastard.} The King dying with-
 to his Justiciar of Ireland
 [Maurice FitzGerald], greet-
 ing. Know ye that this is
 the custom used in our realm
 of England, when a bastard
 dies without heir of his body,
 the land which he held ought
 to revert to him of whom the
 bastard held that land in chief,
 and that you may know the
 form of our writ in that case,
 we send you that form en-
 closed in our letters, com-
 manding you that you cause
 that writ to be used in such
 case in our land of Ireland
 according to that form, pro-
 viding that full justice be
 shown to Robert de Hyda
 and his wife. Witness the
 King at Tewkesbury the 5th
 day of April in the twenty-
 second year.

30 HENRY III. A.D. 1246.

AS TO THE LAWS OF ENGLAND BEING OBSERVED IN IRELAND.¹

The King, &c. Forasmuch as for the common benefit of the land of Laws and Ireland and the unity of the King's dominions, the King wills and customs of by the Common Council of the King it is provided that all the laws and England to be customs which are observed in the kingdom of England should be observed in observed in Ireland, and the said land should be subject to the said laws, Ireland. and should be ruled by the same, as the lord, King John, when he was last in Ireland, ordained and ordered to be done. Forasmuch also as the Writs of King wills that all writs of common right which run in England should be right. likewise run in Ireland under the King's new seal, it is commanded to the Archbishops, &c., that for the peace and quiet of the said land they permit them to be ruled and governed by the same laws and follow them in all things. In witness whereof, &c. Witness the King at Woodstock, the 9th day of September.

¹ The text taken from Patent Roll (Engl.) 30 Hen. III. m. 1, is printed in Rymer's *Fusadera* I., p. 266.

53 HENRY III. A.D. 1269.

[PLEA ROLL, IRELAND. No. 5.—ROLL OF JUSTICES
ITINERANT. m. 10.]

PROVISŪ & statutū est de cōsilio dñi R. de Ufford,
capitāl justicē Hibn & alioꝝ fideliū dñi E. qui sūt pī¹
de ej^o cōsilio & do cōcensu ūium magnatum & toci^o cōitāl
Hibn q^u una & eadem mensura cuj^olibet gefis bladi una &
eadem lagena una & eadē pōdera & una & eadem ulna
sit de celo p totam Hibn sič sūt in civitate londoň cōstituta
& appbata. Et q^u aliq^s de celo qui aliq^s vina heat
vundičoi exponenda doliū vini nō vendat nⁱ ad pīciū quo pōlit
di m^u lucri reportare. Et qd aliq^s ſvientū qui bladum
recipe debent & cōsuevunt p pastu suo de celo nō recipeant
nⁱ mensuram bladi scit q^urteriū londoň ad duodeci septiū. Et
si aliq^s ſviens hoc cōtempſit & ad recipiend^o negligens fūit
bñ liceat dno suo illū p corp^o suū castigare & imp^osonare.

7 EDWARD I. A.D. 1279.

[RED BOOK OF THE EXCHEQUER, IRELAND, VOL. 96 d.]

Statuta
de viris
Religiosis.

REX Justiciariis suis de Banco saltm. Cum dudum
puisum fuisse qd viri Religiosi feoda aliquoꝝ nō
ingrederent^r sine licencia & voluntate capitaliū dnoꝝ de quibꝝ
feoda illa inmediate tenent^r & viri Religiosi postmodum
nichilomin^r tam feoda sua ppria q^u alioꝝ hactenus ingressi sint
ea sibi appropriando & emendo & alioꝝ ex dono alioꝝ recipiendo p
quod ſuicia que ex hui^omodi feodis debent^r & que ad defensionem

¹ Interlined.

53 HENRY III. A.D. 1269.

UNIFORM WEIGHTS AND MEASURES THROUGHOUT
IRELAND.

IT is provided and enacted by the council of Sir R[obert] de Ufford, Chief Justiciar of Ireland, and other of the faithful people of the lord Edward who are likewise of his council, and with the consent of all the magnates and the entire commonalty of Ireland, that one and the same measure of every kind of corn, one and the same gallon, one and the same weights, and one and the same ell shall be from henceforth throughout all Ireland, as they are appointed and approved in the city of London. And that anyone from henceforth who may have ~~price of wines~~ any wines to be exposed for sale shall not sell the tun of wine unless at a price at which he can gain half a mark of profit. And that any of the serjeants who ought and were accustomed to receive corn for their subsistence, from henceforth shall only receive a measure of corn, to wit, the quarter of London, every twelve weeks; and if any serjeant despise this and be neglectful in taking [his allowance], it shall be lawful for his lord to chastise and imprison him in his body.

7 EDWARD I. A.D. 1279.

STATUTE AS TO MEN OF RELIGION.

(ALSO CALLED THE STATUTE OF MORTMAIN).

THE King to his Justices of the Bench, greeting. Whereas, of late it was provided, that men of religion should not enter into the fees of any persons without licence and will of the chief Lords, of whom those fees are immediately held; and notwithstanding, men of religion have afterwards entered as well into their own fees, as those of other men, appropriating and buying them for themselves, and sometimes receiving them of the gift of others, whereby the services that are due of such fees, and which from the beginning were provided for defence of the realm, are

No land shall be aliened in Mortmain on pain of forfeiture.

Regni ab inicio puisa fuerunt indebite subtrahunt' & dñi Capitales eschaetas suas inde amittunt; nos sup hoc p utilitate Regni congruū remediū puideri volentes, de consilio platoꝝ Comitū & alioꝝ fideliū Regni n̄ri de consilio n̄ro existencium puidim' statuim' & ordinam' qđ nullus Religiosus aut alias quicūq; fras aut teñ aliqua eme vel vendere aut sub colore donacionis aut p̄mini vel aliius tituli cui'cūq; ab aliquo recipe aut alio quoquimodo arte vel ingenio sibi appriare psumat sub forisfcura eoꝝd p quod ad manū mortuā terre & teñ hui'modi deueniant quoquimodo. Prouidim' etiam qđ si quis religiosus aut alias contra psens statutum aliquo modo arte vel ingenio venire psumpserit; Liceat nobis & aliis inmediatis capitalibꝫ dñis feodi taliter alienati illud infra annū a tempore alienacionis hui'modi ingredi & tenere in feodo & hereditate. Et si capitalis dñs inmediatus negligens fuit & feodum hui'modi ingredi noluerit infra annū, tūc liceat px° capitali dno mediato feodi illius infra dimidiū annū sequētē feodū illud ingredi & tenere sicut p̄dcm est. Et sic quilibꝫ dñs mediatus faciat si p̄pinquor dñs in ingrediendo hui'modi feodū negligens fuit ut p̄dcm est. Et si oīnes hui'modi capitales dñi hui'modi feodi qui plene fuerint etatis & infra q̄tuor maria & extra p̄sonam p vnū annū negligentes vel remissi fuerint in hac parte; nos statim post annum completum a tempe quo hui'modi empaciones donacōes aut alias appropriaciones fieri contigerit, terras & teñ hui'modi capiem' in manū n̄ram & alios inde feoffabimus pro certa seruicia nobis inde ad defensionem Regni nostri facienda; saluis capitalibus dñis feodoꝝ illoꝝ Wardis eschaetis & aliis ad īpos p̄tinentibꝫ ac seruiciis inde debitis & consuetis. Et ideo vobis mandamus qđ statutum coram vobis Legi & decetere firmiter teneri & ob̄suari faciat. Teste Rege apud Westmonasteri xv° die Noī anno 7 sui septimo.

unduly withdrawn, and the chief Lords lose their escheats thereout. We, therefore, for the profit of the realm, intending to provide suitable remedy, by the advice of the Prelates, Earls, and other lieges of our kingdom, being of our Council, provide, establish, and ordain, that no person, religious or other, whosoever, presume to buy or sell any lands or tenements, or to receive them from any under pretence of gift or term, or any other title whatsoever, or by any other craft or device to appropriate same to himself, under forfeiture of the same, whereby such lands and tenements may any wise come into Mortmain.

We provide also, that if any person, religious or other, presume by any other craft or device to offend against this statute, it shall be the fee shall be lawful to us and other immediate chief Lords of the fee so aliened, to enter into the same within a year from the time of such alienation, and to hold it in fee and inheritance. And if the immediate chief Lord be negligent, and will not enter into such fee within the year, then it shall be lawful for the next chief Lord mediate of the same fee to enter into the same fee within half a year next following, and to hold it as before is said. And so every Lord mediate may do, if the next Lord be negligent in entering into such fee, as is aforesaid. And if all such chief Lords of such fee, who shall be of full age, and within the four seas, and out of prison, be negligent or remiss in this behalf for one year, we, On their immediately after the completion of a year from the time it happened that such purchases, gifts, or other appropriations were made, shall take such lands and tenements into our hands, and shall infeoff others thereof, in consideration of certain services to be rendered to us thereout for the defence of our realm ; saving to the chief Lords of the same fees their wardships, escheats, and other things appertaining to them, and the services thereout due and accustomed. And therefore we command you, that you cause the aforesaid Statute to be read before you, and from henceforth to be firmly kept and observed. Witness the King at Westminster, the fifteenth day of November, in the seventh year of his reign.

12 EDWARD I. A.D. 1284.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 79.]¹

EDWARDUS dei grā Rex Angl Dūs Hiberni & Dux Aquit Thes & Baronibz de Scōcio ac Canharia suis saitm. Vt indempnati nre & poplo regni nri in aliquibz que nos & poplm nrm pdcm & scōcio nro pdco contingūt pspiciatur volum & puidimus qd non sc'bantur de cēto corpora Com in Rotul anualibz s̄c̄ scribantur in quodam rotulo et legantur singulis annis sup compotū vič. Singula videt de singulis [Comi]tatisibz et ut sciatur si quid inde accidere possit ex q̄cumq̄ causa remanencia vero firmaꝝ eozdē Com[post Fr]as datas sc'bant in rotulis anualibz & offentur inde vič, in quibzquidē remanentibz asscent² libta[coes &] elemōie constitute & alie allocaōiones si quas vič hui'nt de exitibz battie sue p bria sua. Et quia [ad sug]³gestionē diu'soꝝ Baltioꝝ nroꝝ fiunt bria nra de diu'sis allocaōibz ad graue dampnū nrm volum & puidi]mus qd de hui'modi allocaōibz sic faciendis de cēto fiat vis' in scōcio & hui'mod visu fideiꝝ foo[iidem]⁴ Theſ & Barones certificent Cancellaꝝ nrm de debi allocaōibz faciendis. Et fiant bria de allocaōibz [juxta]⁵ cōtificaōiem pdcam. Scribant & in eisdem rotul anualibz firme vič, p̄ficiua Com, firme seriantiaꝝ [&] assertoꝝ firme Civitati Burgoꝝ villaꝝ & alie firme de quibz responsū est annuatim ad sc̄cm pdcm [Item]⁶ sc'bant in eisdem rotul oīmia debita atēminata oīmia grossa debita de quibz spes est qd aliquid inde redi [possit]⁷ Item oīmia debita que videntur ēe v̄a.⁸ Cum v̄o p̄ventū fu'it in compot ad titulū de nouis obligatis⁹ nō sc'bant in rolo anuali

¹ This Statute being found in the Red Book, but without writ for its observance in this country, is placed as of the year of its enactment.

² Obliterated.

³ Asscentur. The Close Roll (from which the text in *Stat. Realis* is taken) reads *allocentur*.

⁴ Close Roll reads *clara*.

⁵ Close Roll reads *oblatis*. In the Exchequer this signified old debts brought from precedent years and put to the present sheriff's charge.

12 EDWARD I. A.D. 1284.

STATUTE OF RHUDDLAN—PROVISIONS MADE IN THE EXCHEQUER.

EDWARD by the grace of God, King of England, lord of Ireland and Duke of Aquitaine, to his Treasurer, Barons, and Chamberlains of the Exchequer greeting. To the intent that provision may be made, for the indemnity of us and of the people of our realm, in certain things which concern us and our said people, in our said Exchequer, we will and provide that from henceforth the bodies of the counties be not written in the Annual rolls, but that they be written in one certain roll and be read every year upon the account of the sheriffs; each to wit, of the several counties, that it may be known if anything can thereof accrue to us by any reason; but the remanents of the farms of the said counties shall be written after "lands granted," in the Annual Rolls, and the sheriffs shall be therewith charged, in which remanents the Liveries and Alms assigned shall be included, and other allowances, if the sheriffs have any, of the issues of their bailiwick by their writs. And amounts because at the suggestion of divers of our bailiffs, our writs are made of farms and debts. divers allowances, to our great loss, We will and provide that of such manner of allowances so to be made, from henceforth view be made in the Exchequer; and such view being faithfully made, the said Treasurer and Barons shall certify our Chancellor of the due allowances to be made, and writs of allowances shall be made according to the aforesaid certificate. Also there shall be written in the said Annual Rolls the farms of the Sheriffs, the profits of counties, the farms of Serjeanties and Assarts, the farms of cities, burghs, towns, and other farms whereof answer is made yearly at the aforesaid Exchequer. There shall also be written in the said Rolls all debts atturmed, all gross debts whereof there is hope that something may be recovered; also all debts which seem to be just. But when they come in the account to the

nisi ea de quibz respondent [spes est, vič]¹ & debita innenta in originalibus que videntur esse vera & clara. D. firmis vero mortuis & debitis de quibus nō est spes fiat un^o rotulus & irrotulent² Com & legant^r singul annis sup comp vič. Et debita de quibz vič respondent sc'bant^r in rotulo anuali & ibi acquietent^r. Item volum^o & puidim^o qd pclamet^r in singlis Com qd om̄es illi qui hnt talt de sc^ccio de debitis suis vt āncessorz suoꝝ ibidem solut nōdū hacten^r allocatis qd adhuc veniant [in summonicōem sc^cii libent lui^omodi tallias vič suis allocand]³ ad sc^cem sup compoſ suos & p̄dci vič fač ill a q^obz talt sic recepint sc^cptuꝝ suas testificantes recep̄coem illam talt suaꝝ sūmam & occ^coem debitoꝝ. Inſint recep̄coi talt p̄dcaꝝ duo milites fideles ad hoc deputati inꝝ quos p̄dci vicecom fač Cyrog^sph de hui^omodi recep̄cone sigilla eoꝝ alpnati inuenta.⁴ Prefati v^o milites ad hoc deputandi mittant ad sc^cem ad P̄minū statuend ptes suas Cyrog^sph suoꝝ p̄dcoꝝ in forma p̄dca ut p visū & testimoniū eoꝝdem dce Tali p vicecom sic recep̄t exibeantur sup comp suos & allocent^r. Proclamet^r insup qd nisi illi qui hnt h^omodi talt libent eas vič & miliū ut p̄dcm est extū distingentur p toto debito & talt p̄dce p nō solutis reputabant^r. Item ut debita que adhuc veniūt in sumōibz unde debitoꝝ pferūt Tali cont^r div^osos vič deferrent⁵ & acquietent^r. Providin^o & qd aliqui sint ad hoc assignati ex pte ſra in singlis Com qui hant plenā p̄statem inq'rendi de h^omodi debitis & vocādīc coram eis tam soluentes q^o vič hedes assignat aut tenētes p̄ras eoꝝ si ipi mortui fu^oint qui hui^omodi recepint & insup pcedend ad inq'siōem & capiendi si nōce ffl^oit siue ptes sint p̄sentes co^o quas talt p̄dce fu^oint ostense siue non. testificata in p^ous p vič sūma⁷ eisdem inde ſonabili facta & inquisita &

¹ The words in brackets are in Close Roll, but not in the Red Book.

² The Close Roll reads *irrotulentur*.

³ The sentence in brackets is in the Close Roll, but not in the Red Book.

⁴ *Munita* in Close Roll.

⁵ *Depulentur* in another MS.

⁶ So in MS.

⁷ *Summonicōe* in Close Roll.

title "Nova oblate," nothing shall be written in the Annual Roll except those of which [there is hope of payment, and the Sheriffs] answer, and debts found in the Originals which seem to be just and clear. Of dead farms and debts of which there is no hope, one Roll shall be made, and the counties shall be enrolled in it (or) [it shall be entitled "comitatus,"] and read every year upon the account of the Sheriffs, and the debts whereof the Sheriffs answer shall be written in the Annual Roll and there shall be acquitted. Moreover, We will and provide that proclamation be made in every county that all those who have tallies of the Exchequer of their own debts or of those of their ancestors paid there, not yet allowed, that yet may come [in the summons of the Exchequer, deliver to their Sheriffs such tallies to be allowed] at the Exchequer upon their accounts, and the aforesaid Sheriffs shall make to those from whom they shall so have received tallies, their writings testifying the receipt of their tallies, the amount and occasion of the debts.

A Roll of
desperate
debts.

Tallies for
debts.

Two trustworthy Knights deputed for this purpose, shall be present at Indentures the receipt of the said tallies, between whom and the said Sheriffs shall be thereof. made indentures of such receipt, confirmed by their seals interchangeably.

The aforesaid Knights to be deputed for this shall send to the Exchequer at a term to be appointed, their parts of their said indentures in form aforesaid, so that by view and witness thereof, the said tallies so received by the Sheriffs may be exhibited upon their accounts and allowed. Moreover, proclamation shall be made that unless those who have such tallies deliver them to the Sheriffs and Knights as aforesaid, that thenceforth they shall be distrained for the whole debt, and the aforesaid tallies shall be reckoned as unpaid. Also that the debts which hitherto come in summons, whereof the debtors proffer tallies against divers Sheriffs, shall be defalked and acquitted. Moreover we provide that certain persons assigned thereunto on our behalf [be sent] into Commissions every county, who shall have full power of enquiring of such debts and also of calling before them as well the payers as the Sheriffs, the heirs, assigns, or the tenants of their lands, if they be dead who have received such; and in addition, if there be necessity, of proceeding to take inquest, whether the parties against whom the said tallies were shown be

Tallies not
delivered.

the king's
Debts.

discussa & n^o p^{re}sencia p^{re}ciū sup hiis v^{er}itate facient dci inquisitores rotulos de oīmibz debitibus corā eis cōuictis v^t confessis & irro^ulati debite^r p^{re}dictis statū frangātur tali eo^r. Vicecom^r & h^{ab}ent penes se s^b sigilt suis inquisitor^r insc^{ri}pta ro^ulo^r p^{re}dicto^r & supsedeant dist^{ri}c^ocom faciend^r p^o debite^r in eisdem cōtentis donec aliud inde h^{ab}uit in mandatis. p^{re}fati v^o inquisitores mittant ad sc^{ri}ptū s^b sigilt suis rotulos p^{re}dictos ut ibi p^o scrutiniū inde^r faciend^r examinent^r que debita in pte v^t in toto sint soluta & que nō & fca examina^rōne p^{re}dicta on^uent^r vi^c & acq^uetent^r debito^r [scdm]^l q^d p^o eandē fu^rit faciendū. Item volum^r & puidim^r q^d Cam^rarii nō faciant de ce^rto vi^c seu [aliis]^l quibz^uq^b Baltis tali dividend nisi recept^r prius ab eis p^{re}dictis sūmas & o^{cc}o^res debito^r & nōia [ea]^l soluenciū continētibz in quasq^udē p^{re}dictas velint h^{ab}modi dividend ptiri quibz s^b sigilt eo^r [receptis]^l nō licet eas in alias p^{re}dictas aliq^uten^r mutare. Puidim^r & q^d oia debita ad que vi^c respond[ent q^d]^l debito^r nichil h^{ab}ut in balliuis suis n^o h^{ab}ut tpe quo on^uati fu^rint de eisdem debitibus v^t q^d nō [sunt]^l iuenti ext^{ra}hant^r & sc^{ri}bant^r in rotulis & t^{er}dant^r rotuli illi viris fide dign^r & circūsp^{ec}tis q^u inde faci^rant inquisicioem^l i for^r p^o The^s & Baroⁿ puidend^r. Et q^d p^o quedā p^{re}cita in sc^{ri}cio nō hacten^r tenta que [nos seu ministros]^l n^oros ei^rdem sc^{ri}cii nō cōtingūt n^ora & populi n^ori negocia corā eisdem indebite p^{ro}gant^r & impediuntur volu^{lm}^r & ordinam^r q^d n^ol^lm p^{re}citum dece^ro teneat^r in p^{re}dicto sc^{ri}cio n^o il^ld quod tangat [nos vel mini]^lstros n^oros p^{re}dictos. Et ido vo^r mandam^r q^d p^{re}missa corā vo^r distin^rte & apte [legi rotulari &]^l de ce^rto obseueruari faciat^r in sc^{ri}cio p^{re}dicto. In c^o rei testimoniū has trās n^oras¹

¹ Obliterated.² Interlined.

present or not, reasonable summons made to them therefor being first testified by the Sheriff; and the truth in these matters being inquired into and discussed in presence of the parties, the said inquisitors shall make Rolls of all debts proved or confessed before them, and the said debts being enrolled, forthwith the tallies of the same shall be broken. Also the Sheriffs shall have in their custody under the seals of the inquisitors transcripts of the said Rolls, and shall surcease making restraint for the debts contained in them, until they shall have otherwise in command therefor. The said inquisitors shall send to the Exchequer under their seals the aforesaid Rolls, that there by scrutiny thereof to be made, examination may be had what debts are paid in part or in the whole and what not, and the aforesaid examination being made, the Sheriffs shall be charged and the debtors acquitted according to what ought to be done by the same.

Also we will and provide that the Chamberlains from henceforth shall Tallies to not make to the Sheriffs or any other bailiffs whomsoever tallies to sheriffs. be divided, unless they first receive from them particulars containing the amounts and occasions of the debts and the names of those paying them, into whatsoever particulars they wish such tallies to be divided, and those being so received under their seals, it shall not be lawful to change them by any means into other particulars.

Moreover, we provide that all debts as to which the Sheriffs make Enquiry as return, that the debtors have nothing in their bailiwicks, nor had at the time when they were charged with the same debts, or that they be not found, found, shall be estreated and written in Rolls, and these Rolls delivered to trustworthy and circumspect men who shall make enquiry thereof in the form to be provided by the Treasurer and Barons. And because No suit to be by certain pleas heretofore held in our Exchequer which do not concern us or our officers of the said Exchequer, our affairs and those of our people before them are unduly postponed and hindered; We will and ordain that no plea be henceforth held in the said Exchequer, unless what specially concerns us or our officers aforesaid, and therefore we command you that you cause the premises to be distinctly and openly read before you, inrolled, and henceforth observed in the said Exchequer. In Witness whereof, these our letters, &c. [Witness the King at Rhuddlan, the 23rd day of March in the twelfth year of our reign.]¹

¹ This sentence is completely effaced in the Red Book. *Cott. MS. Vesp. B. 7.* reads "apud Roth. xxiv. die Maii anno x." but the King was not at Rhuddlan at that date. An English Exchequer MS. *Lib. Sac. x.* reads "apud Roth. xxiii. die Mart. anno regni nri xii." The King was at Rhuddlan on that day, and had been there for some time previously, so this would appear to be the correct date. See Sweetman's *Cal. Documents relating to Ireland* and *Cal. Pat. Rot.* (P. R. O. series) 1281-92, p. 117.

13 EDWARD I. A.D. 1285.

[CLOSE ROLL ENGL. 13 EDWARD I. m. 3 d.]

¶ STATUTIS LIBERATIS.

MEMO⁴ q⁴ die Vefis in festo Exalta⁵ois S⁶ce Crucis anno
 xciiij^o apud Wyntoⁿ libata fuit Rogo Bretun clico
 vefiab pris W. Walford Epi tuc justi^c Hibⁿ quedam statuta
 p regem et consiliu suu edita et pvisa videt statuta Westmⁿ
 statini post coronat^o r edita et statuta Glouc et statuta
 p m⁷catorib^z fca ac statuta Westmoⁿ in plimento reg^o pasch
 anno p⁸co pvisa et fca in Hibⁿ deferenda et ibid^e p⁹clamanda
 et ob¹⁰vanda.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 81-91.]¹

CES sunt les establisemenz le Rey Edward le fiz le Rey
 Henry fez a Weymester a son p¹¹mer parlement general
 apres son coronnement apres la Cluse Paske lan de son
 Regne tierz par son conseil e par le assentement des
 Erceueskes Eueskes Abes Priurs Contes Barons e la
 C¹²omunaute de la tere ileokes somons Pur ceo ke nostre
 seygnur le Rey ad graunt volente e desir del estat de son
 Reaume adrescer en les choses ou mestier est del amende-
 ment e ceo pur le c¹³omun profit de saint Eglise e del reaume.
 Et pur ceo q¹⁴ lestat de saint Eglise ad este maumeue e les
 prelaz e les religious² de la tere greuez en mulz de maies
 e le poeple autrement trete e la pees meins garde q¹⁵ estre
 ne deust e les leys mesusees e les meffesaunz meins puniz q¹⁶
 estre ne dussent pur quei les genz doterent le meins a meffere;
 si ad le Rey ordine e establi les choses desuz escrites q¹⁷ il
 entent q¹⁸ seient profitables e couenables a tut le Reaume.
 C. Enprimee veut le Rey e comaunde q¹⁹ la pees de saint
 Eglise e de la tere seit bien garde e meintenuue en tuz poinz
 e q²⁰ c²¹omune droiture seit fet a tuz ausi bien a poures com
 as riches saunz regard de nuly. C. Purceo q²² les Abbeyes
 e les mesons de Religions ont este sorchargez e greue
 malement par la venue des g²³unz genz e autres q²⁴ bien ne
 sofiseient a eaus meismes receiure par quei les religious² sont

¹ See Writ 13th year (above) commanding obseruance of this Statute in Ireland.
 This Statute was re-enacted for Ireland by Statute in a Parliament held in
 Dublin, 13 Edward II, cap. 2.

² Religious in MS.

13 EDWARD I., A.D. 1285.

AS TO STATUTES DELIVERED.

BE it remembered that on Friday the Feast of the Writ for Exaltation of the Holy Cross [14 September] in the 13th observance in year, &c., at Winchester, were delivered to Roger Bretun, Ireland of clerk of the Venerable Father W.¹ (*recte* Stephen) bishop of Waterford then Justiciar of Ireland, certain Statutes by Gloucester, the King and his Council made and provided, namely, the and those of Statutes of Westminster made immediately after the King's coronation, and the Statutes of Gloucester and the Statutes made for Merchants, and the Statutes of Westminster in the parliament of the King at Easter in the said year provided and made, to be brought into Ireland and there to be proclaimed and observed.

THE STATUTES OF WESTMINSTER THE FIRST; (ENACTED IN ENGLAND
3 EDWARD I.)

THESE are the Acts of King Edward, son of King Henry, made at Westminster at his first Parliament general after his coronation, on [the morrow] after the Close of Easter in the third year of his reign, by his Council, and by the assent of the archbishops, bishops, abbots, priors, earls barons, and the commonalty of the land thither summoned.

Because that our lord the King has a great wish and desire to redress the state of his realm in things which require amendment, for the common profit of Holy Church, and of the realm: and because the state of Holy Church has been ill kept, and the prelates and religious persons of the land grieved in many ways, and the people treated, and the peace kept, otherwise than they ought to be, and the laws misused, and offenders less punished than they ought to be, by reason whereof people feared the less to offend; the King has ordained and established these things underwritten, which he thinks to be profitable and suitable unto the whole realm.

I. First, the King wills and commands, that the peace of Holy Church *Peace of Holy Church.* and of the land be well kept and maintained in all points, and that common right be done to all, as well poor as rich, without respect of person. And because that Abbeys and Houses of Religion of the land have been overcharged, and sore grieved, by the resort of great men and others, so that their goods have not been sufficient for themselves, whereby the Religious are so reduced and impoverished, that they cannot

¹ So in original. Stephen Fulburn was Bishop of Waterford and Justiciar of Ireland at this date.

issi abessez et enpouez q' eles ne poût sustenir eus meismes ne la charge de la charite q' eles solient fere ; pur ceo purueu est q' nuly vengne manger herbig ne gisir en meson de Religion de autri auoeson q' de la sone al cust de la meson sil ne seit prie e requis especialment par le gouerñ de la meson auaunt qil ivengne e q' nul a ses custages demeine vengne gisir desoremes en meson de Religion en contre la volente de la meson. Et par ces estatuz ne entent pas le Rey q' grace de especialte¹ seit sostret a bosoingnus e q' les auouvez des mesons ne puisen par lur venues sorkarker e destrure. C. Purueu est ensement q' nul g^{nt} ne petit par colur de parente ou de especialte ou de autre affinite ne par acheson ne courge en autri parks ne pesche en autri viuers ne herberge en autri maner ne en meson de prelat de home de Religion ne de autre encontre la volente e le conge del seygnur ou del baillif al coust le seygnur deleinz ne a son coust demeine. Et si il vengne par le gre ou saunz le gre le seygnur ou le baillif nule serure huys fenestre ne nule manere de fermine ne face ouerir ne depeser par sey ne par autre ne nule manere de vitaille ne de autre chose ne prengne par colur de achat ne autrement. C. E q' nul ne face batre ne prendre nule manere de vitaille ne autre biens de nuly prelat home de religion personne ne de autre ne de Clerk ne de lay par colur de achat ne autrement encontre la bone volente ou le conge de celuy a ki la chose fra ou le gardein dedenz vile marchaunde ou dehors. C. Et q' nul ne prengne Chiuaus beofs chars charettes niefs ne bateus a fere carriages saunz la bone volente ou le conge de celuy a ki la chose serra e si par la volente de celuy le face, lors meintenaüt face son gre solum le couenat fet entre eaus. Et ceaus q' vendront encontre les estatuz auaundiz e de ceo seict ateinz, scient aiugez a la prison le Rey e de ileokes reinz solum la q^{nt}ite e la manere del trespass solum ceo q' le Rey ou sa Court verra q' bien seit. Et fet a sauver q' si ceaus a ki le trespass ert feit veillent suire les damages q' il auerunt eus, lor serra regarde e returne al double e ces q' les trespass auerunt fet scient puniz a la manere auaundite, e si nul ne voudra suire, le Rey eit sa suite com de chose fete encontre son defens e encontre sa pees. Et le Rey fra enquere de an en an si com quidera q' bien seit quele gent eient tel trespass fet e ceaus q' serrunt enditez en tieles enquestes brunt atachez

¹ Five other MSS. read hospitalite.

maintain themselves, nor the charge of the charity which they have been accustomed to extend ; therefore it is provided, that none come to eat, lodge, or rest in a House of Religion of any other's foundation than his own, at the cost of the House, unless he be specially invited and asked by the head of the House before his coming. And that none, at his own costs, henceforth come to rest in any House of Religion against the will of the House. And by this Statute the King intends not that the grace of hospitality should be withdrawn from such as need, nor that the patrons of Houses should over-charge, or burden them by their visits. It is provided also, that none, small or great, by colour of kindred, affinity, or any other alliance or for any cause, course in another's parks, or fish in another's ponds, or lodge in another's manor or in the house of a prelate, or Religious person, or other, against the will and leave of the lord, or of the bailiff, at the cost of the lord there, or at his own cost. And if he come with the good-will, or without the will of the lord or of the bailiff, that he cause no lock, door, window, or any kind of fastening, to be opened or broken, by himself, or any other, nor that he take any manner of victual, or other thing, by colour of purchase, or otherwise. And that none thresh [corn] or take any manner of victual or other goods, of any prelate, Religious person, or any other, clerk or lay-person, by colour of purchase, or otherwise against the good-will or leave of him whose the thing shall be, or of the keeper, be it within a market town, or without. And that none take horses, oxen, carts, waggons, ships, or barges, to make carriage, without the good-will or leave of him whose the thing shall be ; and if he do it by the will of the party, then straightway he shall make satisfaction according to the agreement made between them. And that they who shall offend against the aforesaid Statutes, and thereof be attainted, be committed to the King's prison, and there make fine, according to the greatness and manner of the trespass, as the King or his Court think best. And it is to be known, that if they against whom the trespass was committed, will sue, the damages that they shall have sustained shall be awarded to them and restored to the double; and they that shall have committed the trespass, shall be punished in the manner above said : and if they will not sue, the King may have his suit, as for a thing committed against his prohibition, and against his peace. And the King shall cause enquiry to be made from year to year, if he think well, as to what persons have committed such trespasses ; and they that shall be indicted in such Inquests shall be attached and distrained by the

e destreinz par la graunt destresce de venir a un certain Jour ke contenge le espace de vn moys en la Court le Rey la ou li plerra e si ceaus vengnēt a tel Jour, seient destreinz derechief par mesme la destresce de venir a vn &tein Jour q contigne seet¹ sesmeines. Et si ceaus adunk ne vengnent seient iugez com ateinz e rendent le double par la suite le Rey a ceaus q le damage aueront e seient greuusement puniz solum la manere del trespass. C. Et le Rey defent e comaund q nul desoremes ne face mal ne damage ne greuaunce a nul home de Religion psone de seient Eglise ne a autre par acheson qil eyent vye le hostel ou le mang² a nuly ou par acheson de ceo q aukū se pleient en la Court de ceo qil sen sent greue de aukunes choses auaundtites e si nul le face e de ceo seit ateint, seit encoru en la peyne auaundtito. C. Et est porueu q les poinz auaundtiz lient ausi bien nos Conseillers Justices de fforest e nos autres Justicē come autre gent. C. Et q les poinz auaundtiz seient meuz tenuz e gardees si defēd le Rey sor sa greue forfeture q nul prelat Abbe home de Religion ou baillif de aukun de eaus ne receiue nul home encontre la forme auaundtite. C. Et q nul ne enuoye a meson ne a maner de Religion ne de autre home genz Chiuaus ne Chiens a soiornier ne nul ne les receiue. Et qil le fra, por ceo q ceo est encontre le defens e le comaundement le Rey il serra puni greuement. C. Unkore est porueu q viscontes ne herbergēt en nul liu oud plus q oud cink ou sis Chiuaus ne q il ne greuent la gent de Religion ne autres par lour souent venir ou gair a lour mesons ou a lour maners. C. Porueu est ensement q kaūt Clerk est pris por ret de felonie e il seit demaunde p le Ordinaire il lui seit liuere solum le priuilege de seient Eglise en tel peril com il i apent solū les custumes auaunt ces oures vsees e le Rey amoneste les plaz e lour enioynt en la fei qil li deuient e por le commun profit e la pees de

great distress, to come at a certain day, within the space of a month, into the King's Court, where it shall please him; and if they come [not] at that day, that they be distrained anew by the same distress, to come at a certain day, within seven weeks. And if they come not then, that they be judged as attainted, and render double, by the suit of the King, to those who shall suffer the damage, and be heavily punished according to the manner of the trespass.

And the King forbids and commands, that no one from henceforth do hurt, damage, or injury to any Religious person, parson of Holy Church, or any other, because they have refused lodging or food unto any, or because that any one complains in Court that he feels himself aggrieved in any of the things above mentioned; and if any do this and thereof be attainted, that he incur the penalty aforesaid.

And it is provided, that the points aforesaid bind as well our Councillors, Justices of the Forest, and other our Justices, as other persons.

And that the aforesaid points may be the better maintained and observed, the King forbids upon heavy forfeiture, that any Prelate, Abbot, Religious person, or the bailiff of any of them, receive any man contrary to the form aforesaid.

And that any send to a house or manor of Religion or that of any other person, men, horses, or dogs, to sojourn, nor that any receive them; and he who shall do this (seeing that it is contrary to the King's prohibition and command) shall be heavily punished.

It is further provided, that from henceforth Sheriffs lodge not in any place with more than five or six horses; and that they do not burden Religious persons, or others, by their often coming or lodging at their houses or their manors.

II. It is provided also, that when a clerk is taken on a charge of felony, and he be demanded by the Ordinary, he be delivered to him according to the privilege of Holy Church, on such peril as thereto attaches, according to the customs heretofore used. And the King admonishes the prelates, and enjoins them upon the fealty that they owe to him, and for the common profit and peace of the land, that they in no manner

No suit for
denying
lodging.

Sheriffs
retinue.

Delivery of
clerks indicted
to the
Ordinary.

la tere q̄ ceaus q̄ sunt enditez de tiel ret par solempne
 enqueste des prodes homes fete en la Court le Rey en nule
 manere ne les deliurent saunz duwe purgacion issi q̄ le Rey
 neit mester de mettre i autre remedie. C. Purueu est ensement
 q̄ nule rien ne seit desoremes demaunde ne pris ne leue p̄
 eschap de larun ou de felon ieske ataunt q̄ le eschap seit
 aiuge par Justices erraunz e ky autrement le fra, si rendra
 a celuy ou a ceaus q̄ laueront paez q̄nt q̄ il auera receu e au
 Rey ensement ataunt. C. De wrek de mer est acorde q̄ la ou
 home chien ou chat eschape vif hors de la Nief ou le batel
 ou nule rien q̄ leinz seit, ne seit iuge a Wrek mes seient
 les choses sauuees e gardees par veue del visconte e del
 Coruner e des bailliz le Rey en la main de ceaus de la
 vyle ou les choses sont trouez issi q̄ si nul siwe ceus biens e
 puisse prouer qil seient soens ou a son seygnur ou en sa garde
 periz dedens lan e le jour saunz delay li seient renduz. Et
 si noun, remaignēt au Rey e seient prisez par le visconte e le
 Coruner a la vilee a respoudre deuaut Justices del Wrek q̄
 apent au Rey. Et la ou Wrek apent a autre q̄ al Rey
 si lait p̄ meime la manere. Et q̄ autrement le fra, e de ceo
 seit ateint, seit a garde a la prison e reint a la volente le Rey
 e rendra les damages ensement. Et si la baillif le face e seit
 desauowe del seygn̄ e lo seygn̄ ne ne otrie a luy, respoingne
 le baillif si il ad de quei. Et sil nad de quei, rende le seygn̄ le
 cors del baillif al Rey. C. Pur ceo q̄ elections deuient estre
 fraunches, le Rey defent sur sa greue forfeture q̄ nul haut
 home ne autre par poer de armes ne par malice¹ ne desturbe
 de fere fraūche election. C. Et q̄ en nule Cite Burg ou Vile
 ne nul home seit amercie saunz renable acheson e solum la
 q̄ntite del trespass ceo est a sauver fraunk home sauue son
 contenemēt marchaund sauue sa marchaundise vilayn sauue
 son gaignage e ceo par lour piers. C. Des prises des
 Conestables ou Chasteleyns fetes de autres q̄ de la gent de la
 vyle ou les Chasteaus sunt assis, purueu est q̄ nul Conestable

¹ Another MS. reads *manasse*.

deliver, without due purgation, those who are indicted on such accusation by solemn Inquest of lawful men made in the King's Court, so that the King need not to provide any other remedy in that case.

III. It is provided also, that nothing from henceforth be demanded or taken or levied, for the escape of a thief or a felon, until the escape be adjudged by the Justices in eyre. And that he that shall do otherwise, shall restore to him or them that shall have paid it, as much as he shall have received, and as much also unto the King.

IV. Concerning wreck of the sea, it is agreed, that where a man, a dog, or a cat escape alive out of a ship, [that the ship] or barge, or any thing within it, be not adjudged wreck; but that the goods be saved and kept by view of the Sheriff, Coroner, and the King's bailiffs, in the hand of those of the vill where the goods were found; so that if any sue for those goods, and can prove that they be his, or his lord's, or were lost in their keeping, within a year and a day, they be restored to him without delay. And if not, that they remain to the King, and be taken by the Sheriff and the Coroner to the vill, to answer before the Justices of the wreck that belongs to the King. And where wreck belongs to another than the King, that he have it in like manner. And he that shall do otherwise, and thereof be attainted, shall be committed to prison, and make fine at the King's will, and also yield damages. And if the bailiff do it, and be disavowed by the lord; and the lord will not pretend any title, that the bailiff answer, if he have whereof; and if he have not whereof, that the lord deliver the bailiff's body to the King.

V. Because elections ought to be free, the King forbids, upon heavy forfeiture, that any great man or other, by force of arms, or by malice, disturb any from making free election.

VI. And that in no city, burgh, or town, any be amerced, without reasonable cause, and according to the greatness of the trespass; that is to say, every free-man saving his contencement, a merchant saving his merchandise, a villein saving his warrage, and that by their peers.

VII. Of prises taken by constables, or castellans, of others than of the people of the vill where the castles are situate; it is provided,

ne Chasteleyn desoremes nule manere de prise ne face d'autre houme q de autre home q de la vile ou son Chastel est assis, e ceo seit paie ou gre fet dedenz quarante Jours si ceo ne seit aunciene prise due au Rey ou al Chastel ou al seygnur del Chastel. C. Et q nule rien seit pris p^r beaupleyder si com autre fiez fu defendu en le tens le Rey Henry piere le Rey q ore est. C. Et pur ceo q la pees de la tere ad este feblement garde auaunt ces oures par defaute de bone suite fete sur les felons solum doue manere e nomeement par acheson des frauchises ou les felons sunt recettez, purueu est q tuz cōmunauemēt seient prez e aparaillez al maundemēt e a la somonse des viscontes ou autri¹ del pays de suire e de arester le^r felos q^{nt} mester serra ausi bien dedenz frauchises cum de hors. Et ces q ceo ne frut, e de ceo seient ateinz, le Rey prendra a eus greuement. Et si la defaute seit troue sor le seygn^r de la fraunchise le Rey se prendra a meime la fraunchise, e si la defaute seit al baillif eit la prison de vn an e puis seit greuement reint e si il nad de quei, eit la prison de deus aunz. C. Et si visconte ou autre baillif dedenz frauchises ou dehors pur louer ou par priere ou par nule manere de affinite concealent ou consentent ou procurent de conceler les felonies fetes en lour baillies ou ke il se feignent de arrestier ou de atacher les mesfesaunz par la ou il pūrront ou autrement se feingnēt de fere lur office e nule manere de fauor des meffesaunz e de ceo seient ateinz q il eient la prison de vn an, e puis seient g^uuemēt reinz, e si il ne vnt de quei, eict la p^rson de quatre² aunz. C. Pur ceo q petite gent e meins sages sunt esluz ia de nouvel cōmunauemēt al office de Coruner e mestier serreit q prodes homes leaus e sages se intremeisent de cel office, purueu est q par tuz les contiez sient esluz suffisaunz Coruners des pl^r leals e plus sages Chiualers q meus sachent veillent e puissent a cel office entēdre e q loiaument attachent e rep̄sentent les appeaus de la Corune e les viscōtes eient contreroules oue les Coruners ausi bien

¹ So in MS. for au cri.

² Other MSS. read liij.

that no constable, or castellan, from henceforth exact any prise, of any other man than of the vill where his castle is situate ; and that it be paid, or else satisfaction be made within forty days, if it be not an ancient prise due to the King, or to the castle, or to the lord of the castle.

VIII. And that nothing be taken for Fair-pleading, as has been pro- Beau-pleader. hibited heretofore in the time of King Henry, father of the King that now is.

IX. And forasmuch as the peace of the land has been badly kept heretofore for lack of making effectual pursuit after felons in due manner, and especially because of franchises, where felons are received ; it is provided, That all generally be ready and prepared, at the command and summons of the sheriffs, or at the cry of the country, to pursue and arrest the felons, when any need shall be, as well within franchises as without; and that they that will not so do, and thereof be attainted, the King shall take heavy fine from them. And if the default be found in the lord of the franchise, that the King shall take the same franchise to himself ; and if the default be in the bailiff, that he have one year's imprisonment, and after that be heavily fined ; and if he have not whereof, that he go to prison for two years.

And if the Sheriff, or other bailiff within franchises, or without, for reward, or by reason of entreaty, or for any manner of affinity, conceal, or consent, or procure concealment of the felonies committed in their liberties, or that they forbear to arrest or attach the evil doers, when they might do so, or otherwise forbear to execute their office, for any manner of favour towards such evil doers, and be thereof attainted, that they have one year's imprisonment, and after be heavily punished ; and if they have not whereof, that they suffer imprisonment for four years.

X. Forasmuch as mean and unwise persons now of late are commonly chosen to the office of Coroner, and it is requisite that persons of good standing, lawful, and wise, should occupy such office ; it is provided, that through all the counties, sufficiently-qualified men be chosen to be Coroners, of the most lawful and discreet knights, who best understand, are willing and able to attend on this office, and who will lawfully attach, and present the appeals of the Crown ; and that the sheriffs have

des appeaus com des enquestes attachementz & autres choses q a cel office appendent. Et q nul Coroner rien ne demaunde ne prenge de nuli por fere son office sur peine de la greue forfeture le Rey. C. Et pur ceo q plusurs rettez de mort de home e q sunt copables de mesme la mort se sont par fauorables enquestes prises par viscontes e par bref le Rey kest appele odio & atia repleuiz ieskes al ayre des Justices erraunz; purueu est q teles enquestes seient des Coruners prises par prodes homes esluz par sermet dount les deus seient Chiualers al meins q par nul affinité ne atouchent les p'sons ne autrement ne seient sustenuz.¹ C. Purueu est ensement q les felons escriez e q sont aptement de male fame e ne se voillent mettre en enquestes des felonies q vm les met sure deuaunt Justices a la suite le Rey q il seient remis en la prison forte & dure come ceaus q refusent la cōmune ley de la tere, mes ceo nest mie a entendre por p'sons q sunt pris pur legiere suspectiun. C. Et le Rey defent q nul ne rauie ne prengne a force damoysele dedenz eage ne autre femme maugre seon e si nul le fet, a la suite celi q suiwera dedenz les q'rante iours le Rey en fra comune dreyture. Et si nul ne² comence sa suite de denz quarante iours, le Rey ensiwera e ces qil entrouera copables, si aueront la p'son de deus aunz e puis serrut reinz a la volente le Rey. Et sil ne vnt dount estre reinz, a la volente le Rey si seyent puny par plus longe p'son solum ceo q le trespass le demaunde. C. Pur ceo q vm lad vne de vilaer en aukun pays la gent appellee del comaundemēt force aide e recettement dedenz mesme le fme q vm deit vilaer celui qest appele del fet, purueu est e g'nte par le Rey q nul ne seit vilaer pur appel del comaundemēt force aide ou recettemēt iesques ataunt q li appele del fet seit atteint issi q vne mesme ley seit de ceo par tote la tere, mes celi q apele ne lesse pas pur ceo de attacher son appel al

¹ Recite suspectuua.

Interlined.

counter-rolls with the Coroners, as well of appeals, as of inquests, attachments, and other things which to that office belong ; and that no Coroner demand or take any thing of any man for executing his office, upon pain of heavy forfeiture to the King.

XL. And forasmuch as many indicted of homicide, and who are Inquests of guilty of the same, by favourable inquests taken by the Sheriffs, and by the King's writ called *Odio et Atia*, are replevied until the eyre of the Justices in eyre ; it is provided, that such inquests of Coroners be taken by discreet men chosen by oath (of whom two at the least to be knights), who are not connected with the prisoners by any affinity, nor are otherwise to be suspected.

XII. It is provided also, that proclaimed felons, and those who are Punishment of openly of ill fame, and will not put themselves in inquests of felonies felons refusing the common that men put them on before the Justices at the King's suit, be sent to law. prison strong and hard, as those that refuse the Common Law of the land. But this is not to be understood in the case of prisoners who are taken on slight suspicion.

XIII. And the King prohibits that any do ravish, or take by force, Rape. any maiden under age [either with her own consent, or without, or any wife or maiden of full age],¹ or any other woman against her will ; and if any do this, the King shall do common right at the suit of him that will sue within forty days. And if none commence his suit within forty days, the King shall sue, and those who shall be found guilty, shall have two years' imprisonment, and after be fined at the King's pleasure ; and if they have not whereof to be fined at the King's pleasure, they shall be punished by longer imprisonment, according as the trespass requires.

XIV. Forasmuch as it has been used in some districts to outlaw Proceedings in the person appealed of commandment, force, aid, and receipt within the appeal. same term that he who is appealed of the deed should be outlawed ; it is provided and granted by the King, that none be outlawed upon appeal of commandment, force, aid, or receipt, until he that is appealed of the deed be attainted, so that one and the same law be used therein through the whole land ; nevertheless he that appeals, by reason

¹ This addition appears in other MSS.

pchein Conte vers ceaus ausi bien com vers les appellez
 del fet, mes le exigende de eaus demeorge iesques staunt
 q les appellez del fet seient ateinz par vtlagherie ou
 autrement. C. Pur ceo q les viscontes & autres q vnt pris
 e detenue en p'son genz rettez de felonies & meinte foiz ont
 lease la gent q ne sunt mie repleuisables e ont detenuz en
 prison ceaus q estoient repleuisables par acheson de gaigner
 des vns & de greuer les autres, Et p'r ceo q auaunt ces vres
 ne fu mie l'mine &teinemēt queus furent repleuisables &
 queus nouñ, hors pris ceaus q estoient pris por mort de home
 ou par comaundement le Rey ou de ses Justices ou por
 la foreste; purueu est & comaunde par le Rey q les prisons
 q sunt auaunt vtlagez & ceus q eient foriure la tere Prouurs
 toz¹ q sont pris ou meinoure ceaus q vnt depesce la p'son
 le Rey larons apertement escriez & notoyres & ceaus q sont
 appellez de prouurs taunt come le puur vist sil ne seient
 de bone fame e ces q sont pris pur arson felonessement fete
 ou p'r fause moneye ou fauseours del seel le Rey ou escomenge
 pris par priere le Eueske ou pur aperte mauueiste ou treason
 q touche le Rey mesme ne seient en nule mafe repleuis-
 ables par le Comun bref ne saunz brief, mais ceaus q soient
 enditez de larcin par enquête des viscontes ou des bailliz
 prises de lur office ou pur legiere suspcion ou pur petit
 larcin q ne amonte a la value de duze deners sil ne seit
 rette de larcin auaunt cel heure ou rette de recettement
 des felons ou del comaundement ou de la force ou del aide
 fete ou des autres des trespass pur le quel om ne deit pdre
 vie ne membre, Et home appelle de prouur puis la mort
 le prouur sil ne seit apert laron escrie seit desoremes lessé
 par suffisaunte pleuine dont le visconte veille respondre
 & ceo saunz rien doner de lour. Et si viscontes ou autres
 lessent par pleuine nul q ne seit repleuisables si ceo seit
 visconte Conestable ou autre baillif de feo q eit garde des

¹ Interlined.

of this, shall not intermit the prosecution of his appeal at the next County Court against them, as well as against those appealed of the deed ; but that their exigeant remain, until those who are appealed of the deed be attainted by outlawry or otherwise.

XV. Forasmuch as sheriffs, and others, who have taken and kept ^{Bailment of} prisoners in prison persons accused of felonies, and frequently have let out such as were not repleviable, and have kept in prison such as were repleviable, because they would gain of the one and injure the other ; and forasmuch as before this time it was not certainly determined who were repleviable, and who not, but only those that were taken for homicide, or by command of the King, or of his justices, or for the forest ; it is provided, and by the King commanded, that ^{Offenders not} _{bailable.} the prisoners who before were outlawed, and those who have abjured the realm, approvers, all who are taken with the mainour, those who have broken the King's prison, thieves openly proclaimed and notorious, and those who are appealed of approvers, so long as the approver lives (if they be not of good fame), and such as are taken for arson feloniously done, or for false money, or for counterfeiting the King's seal, or persons excommunicate, taken at the request of the Bishop, or for manifest evil-doing, or treason touching the King himself, be in no wise repleviable by common writ, or without writ. But that those that ^{Offenders} _{bailable.} are indicted of larceny, by inquests taken before sheriffs or bailiffs by reason of their office, or on slight suspicion, or for petty larceny that does not amount above the value of twelve pence, if they were not indicted of larceny aforetime, or indicted of receiving of felons, or of commandment, or force, or of aid given, or of other of the trespasses for which one ought not to lose life or limb, and a man appealed of an approver after the death of the approver (if he be not openly a proclaimed thief), from henceforth be let out by sufficient surety, whereof the sheriff will be answerable, and that without giving ought of their goods. And if the sheriffs, or others, let any go at large by surety, who are not repleviable, if he be sheriff, constable, or other bailiff of fee, that has keeping of prisoners, and thereof be attained, he shall

p'sons e de ceo seit ateint, perde le feo e la baillie a toz iours. Et si visconte Conestable ou baillif ou celi qad cel feo pur garder les p'sons eit ceo fet saunz la volente son seygn^r ou autre baillif q ne seit de feo, eit la p'son de treis aunz e seit reint a la volente le Rey. Et si nul detient les prisons repleuisables puis q le prison eit offert soffisaunte seurte il serra en la greue flici le Rey. Et si il prent louer por le deliuener, il rendra le double al prison e ensement serra en la g^eue merci le Rey. C. Endreit de ceo q aukunes gens pnent e prendre font les auers de autri e les enchacent hors del Conte ou les auers serront pris; purueu est q nul ne le face e si nul le fet, seit greuement reint solum q il est contenu en les estatuz de marleberge fez en tens le Rey Henri pierre le Rey q ore est. Et par mesme la manere seit fet de ceaus q pernent les auers e q font destresce en autri feo plus greuement seient puniz si la manere del trespass le demaunde. C. Purueu est ensemet q si nul desoremes prengne les auers de autri e les face chacier a Chastel ou a forcelet e ileokes dedenz le Clos del Chastel ou del forcelet les deteingne encontre gage e plegge puis q les auers sont solempnemement demaunde par le visconte ou par autre baillif le Rey a la suite del pleintif q le visconte ou le baillif pris oue lui poer de son Conte ou de sa baillie voyst assayer de fere la pleuine des auers a celui q pris les auera ou a son seygn^r ou as autres des homes son seygn^r qui onques seit troue ou les auers serrunt chacez e si lem deforce, adonkes la deliuernance des auers ou kil ne troesse home pur le seygnur ou pur celuy q les auera pris qui en respoingne e face la deliuernance apres ceo q seygn^r all¹ pnur par visconte ou par baillif en serra amoneste sil est en pais ou pres ou kil porra par le pernur on par autre des seons couenablement estre garniz de fere la deliuernance sil fust hors de cel pais q^{nt} la prise fu fete e en face adonkes

¹ Or in other MSS.

lose the fee and the bailiwick for ever. And if the sheriff, constable, or bailiff, or he who has such fee for keeping of prisoners, have done this without the will of his lord, or other bailiff that is not of fee, he shall have three years' imprisonment, and be fined at the King's pleasure. And if any detain repleviable prisoners after that the prisoner have offered sufficient surety, he shall be in the grievous mercy of the King. And if he take reward for the deliverance, he shall pay double to the prisoner, and also shall be in the grievous mercy of the King.

XVI. Because that some persons take, and cause to be taken, the ^{Distress out of the county.} beasts of another, and drive them out of the county where the beasts shall be taken, it is provided that none do so; and if any do it, that he be heavily fined, according to what is contained in the Statutes of Marlborough, made in the time of King Henry, father to the King that now is. And in the same manner that it be done to them who take beasts, and constrain in the fee of another, that they be more heavily punished, if the manner of the trespass do so require.

XVII. It is provided also, that if any from henceforth take the beasts ^{Remedy if distress be impounded in a castle.} of another, and cause them to be driven into a castle or fortalice, and there within the close of the castle or fortalice detain them against gage and pledge, after that the beasts are solemnly demanded by the sheriff, or by some other bailiff of the King, at the suit of the plaintiff, the sheriff or bailiff, taking with him the posse of his county or of his bailiwick, attempt to make replevin of the beasts from him that shall have taken them, or from his lord, or from others, being men of his lord, whoever he be, found where the beasts shall be driven. And if any deforce him then of the deliverance of the beasts, or that no man be found for the lord, or for him who shall have taken them, who would answer and make the deliverance, after such time as the lord [or] taker shall be thereto warned by the sheriff or bailiff, if he be in the country, or near, or that he can be conveniently warned by the taker, or by any other of his own people to make deliverance, if he were out of that country when the taking took place, and did not then cause the

meintenaunt les auers deliuercer q̄ le Rey por le despit e por le trespass face a batre le Chastiel ou le forcelet saunz releuer e tut le damage q̄ le pleintif auera receu de ses auls ou de son gaingnage desturbe ou en autre manere puis la p'mere demaunde des auls fete par le visconte ou par le baillif li seient restorrez al double de celui qui les auera pris sil ad de quei. Et si nad de quei, del seygnur quel oure ou en quelle manie la deliueraunce seit feite apres ceo q̄ le visconte ou le baillif serra venu pur la deliueraunce fere. Et fet a sauver q̄ la ou le visconte deuera fere return del brief le Rey al baillif le seygnur del Chastel ou del forcelet ou a autre a qui le return del brief le Rey a ceo apent, Si le baillif de cele fraunchise ne face la deliuerance pui^q qil leuera receu, eit le visconte cel office saunz delai si com il est auaundit e sur lauaundite peine. Et par mesme la manere seit fet la deliuerance par attachemenz de pleinte fete saunz brief e sur mesme la peine, e ceo fet a entendre par tut la ou le brief le Rey Curt. Et si ceo est en la marche de Gales ou aillurs la ou le brieff le Rey ne curt mie, le Rey qui en est souerein seygnur en fra dreit a ceaus q̄ pleinde se voudront. C. Pur ceo q̄ la cōmune fin e le amerciement de tut le Conte en eyre de Justices pur faus iugement ou por autre trespass est assis par viscontes baraturs des Contez malement ensint q̄ la somunse est meinte foiz encrue e les parceles autremēt assises q̄ estre ne deusent al damage del people e plusors foiz paie as viscontes barettors q̄ point n^o¹ les aquitent; purueu est e voet li Reys q̄ desoremes en eyre de Justices deuaunt eaus auaunt lor departir seit cele somonse assise par serement des Chiualers e des prodes homes sor tuz ceaus q̄ eskoter ideueront e Justices f[acent]² mettre les parceles en lur estretes qil liueront al Escheker non pas la somōse totale. C. Endreit des viscontes e autres q̄ respoingnūt par lour mayns al Escheker e qui vnt receu de les dettes le Rey henri pierre le Rey

¹ Interlined.

² Obliterated.

beasts to be straightway delivered, that the King, for the despite and the trespass, cause the castle or fortalice to be battered down beyond recovery; and all the damage that the plaintiff shall have sustained in his beasts, or in the disturbance of his wannage, or in any other manner, after the first demand for the beasts made by the sheriff or bailiff, be restored to him double by him who shall have taken them, if he have whereof. And if he have not whereof, that he have it of the lord, at what time, or in what manner the deliverance be made, after that the sheriff or bailiff shall come to make deliverance. And it is to be understood, that whereas the sheriff ought to return the King's writ to the bailiff, the lord of the castle, or fortalice, or to any other, to whom the return of the King's writ in this behalf belongs, if the bailiff of that franchise make not deliverance after that he shall have received it, then that the sheriff have that office without delay, as is aforesaid, and upon the aforesaid penalty. And in like manner that deliverance be made by attachments of plaint made without writ, and upon the same penalty; and this is to be attended to in all places where the King's writ runs. And if this be done in the march of Wales, or in any other place, where the King's writ runs not, the King, who is Sovereign Lord, shall do right therein unto those who will make complaint.

XVIII. Forasmuch as the common fine and amercement of the whole Assessing of
county, in the eyre of the justices, for false judgment, or for other tres- on the county.
pass, are unjustly assessed by sheriffs barrators in the counties, so
that the summons is many times increased, and the parcels otherwise
assessed than they ought to be, to the damage of the people, and many
times payment is made to the sheriffs barrators, who do not acquit
them; it is provided, and the King wills, that from henceforth in the
eyre of the justices, before them, prior to their departure, such summons
be assessed by the oath of knights and good men, upon all those
who ought to pay; and that the justices cause the parcels to be put
into their estreets, which they shall deliver to the Exchequer, and not
the total summons.

XIX. With respect to the Sheriffs, or others, who answer by their Acquittance of
own hands to the Exchequer, and who have received the debts of King on payment to
Henry, father of the present King, [or the King's own debts before this Sheriff.

¶ ore est e ¶ ne ont mie les detturs aquite al Escheker; purueu est ¶ le Rey enueyra bone genz par tuz les Contez a oyr tuz iceaus ¶ de ceo pleindre se vodront e a l'miner ensint la bosoygne ¶ ceaus ¶ purrüt mostrer qil eyent ensint paiez, a tuz iourz en seront quites le ¶l qil ¶ les viscontes ou autres serront morz ou vifs en c'teinne fourme ¶l lur serra baille. Et ceaus ¶ issaint lauerunt fet sil seient en vye, serront puniz greuement e si il seient morz, lour heyres respoingnët e seient chargez de la dette. Et comaund le Rey ¶ les viscontes e les autres auaundiz desoremes loiaument aquitët les detturs al prochein acounte puis ¶l auera la dette receu e adonkes seit la dette aloue al Escheker issi ¶ mes ivengne en somonse. Et si visconde autrement le face e de ceo seit ateint, si rendra al pleintif le trebble de ceo qil aue[ra d]¹e lui receu e seit reint a la volente le Rey. Et bien se garde chekun qil eit tiel receuour por qil il voudra respondre kar le Rey se prëdra del tut as viscontes e a lur heyrs. Et si autre ¶ respoingne par sa mayn al Escheker la face, si rende le treble al pleintif e seit reint en mesme la manere. Et ¶ les viscontes facent tailles a tuz ceaus ¶li paeront la dette le Rey e ¶ la somonse del Escheker a tuz les detturs ¶ demaunder voudront la veue lor face mostrer sauz vier le anuli; e ceo saunz rien doner e ki nel fra, le Rey se prendra a li greuusement. C. Purueu est de meffesors de parks e de viuers ¶ si nul seit de ceo ateint par la suite le pleintif seient egarde bones e hautes amendes solum la manere del trespass e la p'son de treys aunz, e de illoekes seit reint a la volente le Rey sil ad dont estre issint reint e lors truisse bone seurte ¶ mes ne mefface et sil nad dont estre reint apres la p'son de treis aunz, troue mesme la seurte. Et sil ne puisse trouer la seurte, foriurge le reaume. Et si nul de ceo seit rette seit futif e ne eit tere ne tenement par quei il puisse estre Justize; si tost come le Rey auera ceo troue par enqueste bone seit demaunde de Counte en Counte.

^¹Obliterated.

time]¹ and have not acquitted the debtors in the Exchequer ; it is provided, that the King shall send good men through all the counties, to hear all those who wish to complain thereof, and to determine the business in such a manner that those who can prove that they have so paid, be thereof acquitted for ever (whether the Sheriffs or others be dead or living), in a certain form that shall be delivered them. And that those who have [not] so done (if they be living) shall be heavily punished ; and if they be dead, that their heirs answer, and be charged with the debt. And the King commands, that Sheriffs and others aforesaid, from henceforth lawfully acquit the debtors on the next account after they shall have received the debt ; and then the debt be allowed in the Exchequer, so that it come no more into the summons. And if the Sheriff do otherwise, and thereof be attainted, he shall pay to the plaintiff thrice as much as he shall have received of him, and be fined at the King's pleasure. And let each take heed, that he have such a receiver as he will answer for ; because the King will take account of everything from the Sheriffs and their heirs. And if any other, that is answerable to the Exchequer by his own hand so do, he shall render treble to the plaintiff, and be fined in like manner. And that the Sheriffs make tallies to all those who shall pay their debt to the King ; and that the summons of the Exchequer be shewed to all debtors that will demand a sight thereof, without denying any, and that without giving anything ; and from him that will not do so, the King shall take heavily.

XX. It is provided in the case of trespassers in parks and vivaries, that if any be thereof attainted at the suit of the plaintiff, good and substantial damages be awarded according to the manner of the trespass, and that they have three years' imprisonment, and after be fined at the King's pleasure, if he have whereof to be so fined, and then find good surety, that he will not trespass again ; and if he have not whereof to pay the fine, after three years' imprisonment, that he find like surety ; and if he cannot find the surety, that he abjure the realm. And if any accused thereof be fugitive, and have no land or tenement whereby he may be made amenable to justice, so soon as the King shall find it by good inquest, that proclamation be made from county [court] to

Tallies of payment.

Shewing of summons.

¹ This addition occurs in an English Exchequer MS.

Et si nul ne veut venir seit vtlae. Et purueu est q si nul ne suit dedenz lan e le iour puis le trespass fet, le Rey auera la suite. Et oeaus q il entrouera rettez de ceo par bone enquête, serront puniz par mesme la manere en tuz poinz si com desus est dit. Et si nul tiel meffesor seit ateint qil eit pris en parks bestes damasches ou autre chose en manere de Roberie en venaunt ou en demoraunt ou en retournant seit fet de lui comune lei com apiert a celui q est ateint de aperte roberie e larcin ausi bien a la suite le Rey come de autre. C. Endreit des teres des heyrs de denz age q sont en la garde lur seygnur ; purueu est q les gardeins les gardent e sustengnent saunz destruction fere en tote riē. Et q tels maneres de gardes seit fet en tuz poinz solum ceo q il est contenu en la graunt chartre des fraunchises le Rey henri piere le Rey q ore est, e issi seit usee desoremes e par mesme la manere seient gardez les Erceuesches Euesches Abbeyes Eglises e dignetiez en tens de vacacions. C. Des heyrs dedenz age saunz le Gre de lur gardeins auaunt le age de q^utorze aunz seit fet solum ceo qil est cōtenu en la porueaunce de Merton. Et de ceo q front mariez saunz le gre de lur gardeins puis qil aueront passe q^utorze aunz, le gardein eit la double value de son mariage solum la tenur de mesme la porueaunce. Estre ceo q oeaus q aueront sostret le mariage rendent la dreite value del mariage al gardein por le trespass, Et ia le moins le Rey eyt les amendes solum mesme cele porueaunce de celi q lauera issi sustret. C. Des heyrs femeles puis q elles aueront acumpliz le age de xiiij aunz, Et le seygn^r a ki le mariage apent ne le voudra marier mes pur coueitise de la tere la vodra tenir desmarie ; purueu est q le seygn^r ne puise auer ne tenir par acheson del mariage la tere a cels heyrs femeles outre deus aunz apres le fme des auaundiz quatorze aunz. Et si le seygn^r dedenz cels deus aunz ne les marie donkes eyent elles action de recouerir lor heritage quitement saunz ren doner por la garde e por le mariage. Et si elles par malice ou par mauueys conseil ne se veillent par lor chief

county [court] ; and if he will not come, that he be outlawed. It is provided that if any sue not within the year and day after the trespass committed, the King shall have the suit ; and those whom he shall find guilty thereof by lawful inquest, shall be punished in like manner in all points as above-said. And if any such trespasser be attainted, that he has taken tame beasts, or any other thing, in parks, by way of robbery, ^{Robberies} in coming, tarrying, or returning, that the Common Law be executed therein. upon him, as upon him that is attainted of open robbery and theft, as well at the suit of the King, as of another.

XXI. With respect to lands of heirs under age, who are in wardship ^{Lands in ward} of their lord ; it is provided that the guardians keep and maintain ^{to be duly} ^{kept.} them (the lands) without making destruction of any thing ; and that in the case of such manner of wards it be done in all points, as is contained in the great Charter of Liberties of King Henry, father to the King that now is, and that it be so used from henceforth. And in the same manner that Archbishoprics, Bishoprics, Abbacies, Churches, and Dignities be kept in time of vacancy.

XXII. In the case of heirs [married] under age, without the consent ^{Marriage of} ^{Wards.} of their guardians, before the age of fourteen years, that it be done according as is contained in the Provision of Merton. And of those that shall be married without the consent of their guardians, after they shall have passed fourteen years, that the guardian have double the value of their marriage, according to the tenor of the said Provision. Moreover, that those who shall have withdrawn their marriage, pay the right value of the marriage unto their guardian for the trespass ; and nevertheless that the King have the amends, according to the same Provision, of him who shall have so withdrawn.

In the case of heirs female, after they shall have attained the age of ^{Marriage of} ^{female wards.} fourteen years, and the lord, to whom the marriage belongs, will not marry them, but for greed of the land will keep them unmarried ; it is provided, that the lord cannot, by reason of marriage, have or keep the land of such heirs female more than two years after the term of the said fourteen years. And if the lord within the said two years do not marry them, then that they have an action to recover their inheritance quit, without giving any thing for their wardship, and marriage. And if they of malice, or by evil counsel, will not be married by their

seygn^r marier ou eles ne seient desparagez, q le seygn^r tiengne la tere e le heritage iesques al age del madle cest a sauver de vint vn an e out^e taunt qil eit pris la value del mariage. C. Purueu est ensement q en cite Burg vile feire marche ne seit nul home forein q seit de cest reaume destreint [p^r dette]¹ dont il ne seit dettut ou plegge, e qil le fra, il serra greuement puni e saunz delai de la destresce deliuere par les par les² Baillifs del lui ou par autres baillifs le Rey. C. Purueu est ensement q nul eschetur visconte ne autre baillif le Rey par colur de son office saunz especial garaunt ou comauandement ou &tein auctorite q apent a son office ne deseisise nul houme de son fraunk tenement ne de chose q touche fraunk tenement. Et si nul le fet, seit a la volente le desaisi q le Rey de son office le face amender a sa pleinte ou qil eyt cōmune lei par brief de nouele deseisine. Et celui q serra de ceo ateint il rendra les damages³ a mesme le plaintif e serra en la greue fici le Rey. C. Nul ministre le Rey ne mainteingne par li ne par autre les plez poles ou bosoingnes q sont en la Court le Rey de teres tenemenz ou de autre chose por auer part de ceo ou autre pfit par couenaunt fet entre eaus, e qil le fra seit puni a la volente le Rey. C. Et q nul visconte ne autre ministre le Rey ne prenge louer por fere son office mes seient paiez de ceo qil prengent del Rey, e qil le fra, rendra le double e serra puni a la volēte le Rey. C. Et q nul Clerk de Justice de Eschetour ou de enquerour nule riēs ne prengne por liuerer Chapitres hors pris solement Clers des Justices en lour eyre e ceo deus souz de cheakun Wapentacke Hundred ou vile q respount par duze ou par sis solum ceo q auncienemēt fut vsee. Et qil autrement le fra, rendra le treble de ceo qil auera pris e pdra la ſuice son seygn^r par vn an. C. Et q nul Clerk de Rey ne de ses Justices ne receiue desoremes presentement de Eglise dont plai ou contek seit en la Court

¹ In another MS.

² Words repeated in MS.

³ Three other MSS, read *double* here.

chief lord where they be not disparaged, then the lord may hold the land and inheritance until they have attained the age of an heir male, that is to say, of one and twenty years, and further until they have taken the value of the marriage.

XXIII. It is provided also, that in city, burgh, town, fair, or market, no man, who may be foreign of this realm, be distrained [for any debt] for which he is not debtor or pledge; and whosoever shall do it, that he be heavily punished, and without delay the distress be delivered by the bailiffs of the place, or by other the King's bailiffs. Distress for debt against aliens.

XXIV. It is provided also, that no Escheator, Sheriff, or other Bailiff of the King, by colour of his office, without special warrant or command, or authority certain pertaining to his office, disseise any man of his freehold, or of any thing belonging to his freehold. And if any do this, that it be at the will of the disseisee, whether the King by his office cause it to be amended at his complaint, or that he sue at Common Law by a writ of *Novel Disseisin*. And that he who shall be attainted thereof pay [double] the damages to the plaintiff, and be in the grievous mercy of the King. Unlawful disseisin by King's officers.

XXV. That no officer of the King by himself or by another maintain pleas, suits, or matters which are in the King's Courts, for lands, tenements, or other things, so as to have part thereof or other profit by covenant made between them; and he that does this, shall be punished at the King's pleasure. Champerty by King's officers.

XXVI. And that no Sheriff, or other the King's officer, take any reward for executing his office, but that they be paid of that which they take of the King; and he that shall so do, shall yield twice as much, and be punished at the King's pleasure. Extortion by King's officers.

XXVII. And that no clerk of a Justice, Escheator, or Inquisitor, take any thing for delivering articles, but only clerks of Justices in their eyre, and for this two shillings, of every wapentake, hundred, or vill that answers by twelve, or by six, according as it has been used of old time; and he that does contrary shall pay thrice as much as he shall have taken, and lose the service of his lord for one year. Extortion by clerks of justices.

XXVIII. And that no clerk of the King, or of his Justices, from henceforth receive the presentation of a church, as to which any plea Maintenance by officers of courts.

le Rey saunz le especial conge le Rey e ceo defent le Rey sour peine de perdre son ſuice. C. Et q nul Clerk de Justice ne de visconte ne meintengne parties en quereles ne en besoignes q sont en la Court le Rey ne fraude ne face par cōmune dreiture delaer ou destorbier. Et si nul le fet il serra puni par la peine plus pcheinement dite ou par plus greuouse si le trespass le requiert. C. Purueu est enſement q si nul ſiaunt Cōtour ou autre face nul manere deceyte ou collusion q sont en la Court le Rey ou cōſente de fere la en deceyte de la Court por engingner la Court ou la partie, e de ceo seit ateint, lors eyt la prison de vn an e de vn iour e mes ne seyt oy en la Court a conter pur nuly. Et si ceo est autre q Contour par mesme la manere eyt la prison de vn an e de vn iour almeins. Et si le trespass demaunde greinure peine seit a la volente le Rey. C. Pur ceo q muls de genz se pleingnent q les ſiaunz Criurs de feo e les autres marchals des Justices en eyre¹ des Justices pnent atort deners de ceaus q recourent scisine de tere ou q gaingnent lour quereles des fins leuez des Jurours vileeſ prisons e des autres attachez al pie de la Coronue autrement q fere ne deuſſent en mulz de maneres, Et de ceo qil iad plus graunt noumbre de ceaus q auer ne deuſt, par quei le pople est malement greue, le Rey q tiels choses ne scient futes desoremes, e si nul seriaunt de fee le face le office seit pris en la main le Rey. Et si mareschaus des Justices le facent, scient puniz greuement a la volente le Rey, e a tuz les plaintifs lun e laſtre rendra le treble de ceo qil auera iſſi pris. C. De ceaus q pernent outiouse tounuz encontre cōmun vſage del reaume ou ville marchaunde; p̄ueu est q si nul le face en la Court le Rey mesme q seit a fe ferme, le Rey prendra la fūchise del marche en sa mein. Et si ceo est autri vile e ceo seit fet par le seygnr de mesme la vile le Rey le fra par mesme la manere. Et si ceo fet par le baillif ſauz comauendement le seygnr, il

¹ Another MS. reads *et des autres* here.

or debate is in the King's court, without special licence of the King ; and this the King forbids, upon pain of losing his service.

And that no clerk of any Justice or Sheriff, maintain parties in any quarrels or matters which are in the King's court, or work any fraud, whereby common right may be delayed or disturbed. And if any so do, he shall be punished by the penalty last aforesaid, or more heavily, if the trespass do so require.

XXIX. It is provided also, that if any Serjeant counter, or other, Deceits by platters. do any manner of deceit or collusion in the King's Court, or consent to make it, in deceit of the Court, to beguile the Court, or the party, and thereof be attainted, he be imprisoned for a year and a day, and from thenceforth be not heard to plead in Court for any one. And if he be other than a counter, that he be imprisoned in like manner for a year and a day at least ; and if the trespass require greater punishment, it shall be at the King's pleasure.

XXX. Forasmuch as many complain that the serjeants criers of Extortion by fee, and the marshals of the Justices in eyre [and of other] officers of courts. Justices take money wrongfully of those who recover seisin of land, or of them that gain their suits, of fines levied of jurors, towns, prisoners, and of others attached upon pleas of the Crown, otherwise than they ought to do, in divers manners ; and forasmuch as [the Justices] have a greater number of them than they ought to have, whereby the people are sore grieved. The King [forbids] that such things be done from thenceforth ; and if any serjeant of fee does it, his office shall be taken into the King's hand. And if the Justices' marshals do it, they shall be heavily punished at the King's pleasure ; and as well the one as the other shall pay to the complainants the treble value of what they shall have so taken.

XXXI. Touching those who take excessive toll, contrary to the common custom of the realm, in market-towns ; it is provided, that if any do so in the court of the King himself, which is in fee-farm, the King shall take into his own hand the franchise of the market. And if it be another's will, and that this be done by the lord of the same will, that the King shall do in like manner. And if it be done by the bailiff, without

rendra ataut por la outraiouse prise com il vousist auer pris de li si il eust enporte son tounu, e ouesques ceo il auera la p'son de xl iours. C. Des Citeins e des Burgeys a ki le Rey ou son pierre ad g^{nt}ne murage por lor vile enclore, Et q^{nt} tel murage prengnēt autrement qil lor est g^{nt}ne, e de ceo seit ateint; purueu est qil perdent cele grace de tut le tens q^{nt} serra auenir e serrūt en la greuouse merci le Rey. C. De ceaus q^{nt} pnent vitaile ou nule riens al eos le Rey a creaunce ou a garnison del Chastel or aillurs [e k^{nt} il ount receu le paiement a la chekere, en garderobe ou aillors]¹ deteingnēt la paie des creaunceors a g^{nt} damage de eaus en esclaundre del Rey; purueu est q^{nt} ceaus q^{nt} ont teres e tenemenz q^{nt} meintenaunt seit ceo leue de lour teres e de lour chateaus e paie as creaunceors oue le damage qil aueront eus e seient reinz por lour trespass e sil neient teres ne tenemēz, seient en p'son a la volente le Rey. C. De ceaus q^{nt} pnent ptie des dettes le Rey ou autres louers pernent des creaunceors le Rey por fere la paie de mesme celes dettes; purueu est qil rendent le double e seient puniz greuement a la volente le Rey. C. De ceaus q^{nt} pernent chiuaus ou Charettes a fere les carriages le Rey plus q^{nt} mester ne serroit e pernent louer pur releasser les chiuaus ou les charettes; purueu est q^{nt} si nul de la Court le face, il serra greuement chastie par les mareschaus e si ceo seit fet hors de la Curt ou par autre q^{nt} il seit ateint si rendra le treble e serra en la p'son le Rey xl iours. C. Purueu est q^{nt} nul visconde ne seoffre baretour meintenir paroles en Conte ne seneschaus de g^{nt} seygnurs ne autre sil ne seit attorne son seygnur a suite fere ne rendre les Jugemenz des Contez ne pronūcier les Jugemenz sil ne seit especialment prie e requis de ceo fere de tuz les suitiers e les attornez des suit's q^{nt} i serront a la Jorneie e si nul le face, le Rey se prendra greuusement e al visconde e a luy. C. Pur ceo q^{nt} plusors vnt souent troue e conte com troueurs dont descord e manere de descord ad este souent entre le Rey e son pople ou aukuns² homes de son reaume est

¹ This sentence occurs in all the other MSS. and old printed copies.
² Four other MSS. read *hautes* here. See *Stat. Realm.*

the command of the lord, he shall restore as much for the excessive taking, as he would have taken of him, if he had carried away his toll, and moreover have forty days imprisonment.

Touching citizens and burgesses, to whom the King or his father *Murage*. had granted murage to enclose their vills, and who take such murage otherwise than it was granted unto them, and thereof are attainted; it is provided that they lose that privilege for all time to come, and be in the grievous mercy of the King.

XXXII. Concerning those who take victuals or other things to the Defaults of King's use on credit, or for the provisioning of a castle, or otherwise, purveyors. [and when they have received payment in the Exchequer, in the ward-robe, or elsewhere], they with-hold it from the creditors, to their great damage, and discredit of the King; it is provided that in the case of those that have lands and tenements, it be immediately levied of their lands, and of their goods, and paid to the creditors, with the damage they shall have sustained, and that they be fined for their trespass; and if they have no lands or tenements, that they be imprisoned at the King's will.

Concerning those who take part of the King's debts, or take other rewards of the King's creditors to make payment of the same debts; Purchasing the King's debts. it is provided, that they pay the double thereof, and be heavily punished at the King's pleasure.

Concerning those who take horses or carts for the King's carriage more than need be, and take rewards for releasing such horses or carts; Purveyance of horses and carts. it is provided, that if any of the Court so do, he shall be heavily punished by the marshals; and if it be done out of the Court, or by another and he be thereof attainted, he shall pay treble, and remain in the King's prison forty days.

XXXIII. It is provided, that no Sheriff suffer any barrator to maintain suits in the county [court], neither seneschals of great lords, nor other (unless he be attorney for his lord) to make suit, or to give judgments in the county [courts], or to pronounce judgments, if he be not specially prayed and required to do this by all the suitors, and attorneys of the suitors, who shall be in Court; and if any do so, the King shall punish heavily both the Sheriff and him.

XXXIV. Forasmuch as many are oftentimes found and accounted Slanderous inventors of tales, on account of whom discord, and occasion of reports. discord, have many times arisen between the King and his people, or some [great] men of his realm; by reason of the injury that has

defendu pur le damage q ad este e vncore purreit auenir q desorenauaunt nul ne seit si hardi de dire ne de contier nule fause nouele ou controueure dont nul descord ou maniere de descord ou desclaundre puisse sourdre entre le Rey e son pople ou les hauz houmes de son reaume, Et ki le fra, seit pris e detenuz en p'son iesques ataunt q il eit troue celuy en la Court dont la parole serra meu. C. Des hauz houmes e lour bailliz e des autres hors pris les ministres le Rey q i especiale auctorite est done de ceo fere q a la pleinte de aukuns ou par lur auctorite demeine attachent autres ou lour biens trespassaunz par lour poer a respondre deuaüt eaus des Contraks couenautes e des trespass fet hor de lour pouer e iurisdiction la ou il ne tiengnent rien de eaus ne dedenz la fraunchise ou lour poer est en p'indice le Rey e de la coroune e al damage del pople; purueu est q nul desoremes nel face, Et aukun le fet il rendra a celui q serra attache son damage al double e serra en la greue merci le Rey. C. Pur ceo q auaunt ces vres ne fut vnkies resonable aide a fere fiuz chualers ou a filles marier mise en c'tein ne q"nt ele deuoit estre prise ne quel heure par quei les vns leuerent outraiuose aide plus tost q ne sembloit mesf dont le pople se senti greuee; purueu est q desoremes de fee de chualer entier solement seient donez vint souz e de vint liurees de tere tenues par socage vint souz e de pl' plus e de meins, solum le affraunt e q nul ne puisse leuer tiel aide de fere son fiuz chualer taunt q son fiz seit de age de quinze aunz ne a sa fille marier taunt q ele seit de age de set aunz, Et de ceo serra fet mencion en le brief le Rey forme sur ceo q"nt il le veille demaunder. Et sil auent q le piere q"nt il auera leue tiel ayde de ses tenaunz meorge auaunt q il eyt sa fille marie les essecutors le piere seient tenuz a la fille entaunt com le piere auera receu e si les biens ne soffisent, le heir seit tenu de ceo a la fille. C. Purueu est e acorde ensement q si nul houme seit ateint de deseissine fete en tens le Rey q ore est ou roberie de nul maner de chatel ne de meoble par reconisaunce de assise de nouele deseissine le iugement seit tiel q le pleintif recouera sa seisin e ses

and still may happen, it is forbidden, that from henceforth any be so presumptuous as to tell or publish any false news or tale, whereby discord, or occasion of discord or slander may grow between the King and his people, or the great men of his realm; and he that shall so do, that he be taken and kept in prison, until he have brought into Court, him by whom the tale shall have been set in motion.

XXXV. Concerning great men and their bailiffs, and others (the Punishment for exceeding the lawful jurisdiction of franchises. King's officers excepted, unto whom special authority is given to do so) who at the complaint of some, or by their own authority, attach others passing with their goods through their jurisdiction, to answer before them of contracts, covenants, and trespasses, done out of their power and jurisdiction, where they hold nothing of them, or within the franchise, where their power is, in prejudice of the King and his crown, and to the damage of the people; it is provided, that none from henceforth do so; and if any so do, he shall pay to him who shall be attached, his damages double, and shall be in the grievous mercy of the King.

XXXVI. Forasmuch as heretofore, there was not any reasonable aid, Aids for knighthood and marriage. for making sons knights, nor for marrying daughters, arranged for certain, neither how much should be taken nor at what time, whereby some levied excessive aid, [and] sooner than seemed necessary, whereby the people felt themselves grieved; it is provided that henceforth of the whole fee of a knight, twenty shillings only be given, and of twenty librates of land held in socage, twenty shillings, and of more, more; and of less, less, according as they assess it; and that none can levy such aid for making his son a knight until his son be fifteen years of age, nor for marrying his daughter until she be of the age of seven years; and that mention be made of that in the King's writ founded thereupon, when any will demand it. And if it happen that the father, after he shall have levied such aid of his tenants, die before he has married his daughter, that the executors of the father be bound to the daughter for so much as the father shall have received, and if [the father's] goods be not sufficient, that the heir be bound therein to the daughter.

XXXVII. It is provided also and agreed, that if any man be attainted Diseisin with robbery or with force. of disseisin done in the time of the King that now is, with robbery of any manner of goods or movables, by recognition of assise of *Novel disseisin*, the judgment be such, that the plaintiff recover his seisin

damages ausi bien des chateaus e del moeble auaundit com del eel. Et le deseisur seit reint le quel q il seit p̄sent ou noun, issi q si il seit enp̄sēt primes seit agarde a la prison. Et par mesme la manere seit fet de deseisine fet a force e armes tut ne face om roberie. C. Pur ceo q aukune genz de la tere doutent moins de faire faus tement q fere ne deussent p̄r quei mult de gent sont deaheritez e pdent lour dreit; purueu est q desoremes le Rei de son office dorra ateintes sur les enquestes en plai de tere ou de fraanchise [ou de chose]¹ q touche fraunk tenement q̄nt il li semblera q bosoigne seit. C. Et pur ceo q le tens est mult passe puis q les briefs de suz nomeez furent aut̄feiz limitez; purueu est q om conte de decente en le brief de dreit q nul ne seit oy por demaunder la seisine son auncestre de plus lointain seisine q del tens le Rey Richard oncle le pierre le Rey q ore est, e q le brief de nouele deseisine e de porpartie q est apelle nup obiit eient le termie puis le primer passage le Rey Henry pierre nostre seign^r le Rey q ore est en Gascoyngne. Et le brief de mort dauncestre de cosinage del Ael e de entre e brief de Neiuete eyent le fme del Corounemēt le Rey Henri e ne mie auaunt, mes q tuz les briefs ore aparmesme² ou q lem p̄chacera entre ci e la saint Johan en vn an scient pledez del tens q auaunt soleient estre pleidez. C. Et pur ceo q mulz de genz sont delaez de lour dreit pur fausement voucher garaunt; purueu est en brief de possession tut a primes si com en brief de mort dauncestre cosinage del Ael nup obiit de entrusion e en autres briefs semblables par les queus teres ou tenemenz seient demādez q deiuent decendre reuertir remeindre ou escheir par mort dauncestre ou de autre q si le tenaunt vouche a garaunt e le demaundaunt le contre pleide e veille averrer par assise ou par pais ou en autre manere si com la Court le Rey agardera q le tenāt ou son auncestre q̄ heyr il est fust le primer ki entra apres la mort celui q̄ seisine il demaunde, seit la verrement

¹ These words occur in another MS.

² Purchaser in another MS.

and his damages, as well of the goods and movables aforesaid, as of it [the freehold], and the disseisor be fined, whether he be present or not, provided that if he be present, he be first committed to prison. And that in like manner it be done of disseisin with force and arms, although it be not done with robbery.

XXXVIII. Forasmuch as certain people of the land hesitate less than they ought to, about taking a false oath, whereby many are dis- Attainments on inquests in herited, and lose their right; it is provided, that the King, of his office, from henceforth grant attainments upon Inquests in *pleas of land*, or of franchise, [or of anything] touching freehold, when it shall seem to him necessary.

XXXIX. And forasmuch as it is a long time since the writs under- named were formerly limited; it is provided, that [in] the narration Limitations of of descent in a writ of Right, none be heard to demand the seisin *prescription.* of his ancestor, as to a seisin earlier than the time of King Richard, uncle to the father of the King that now is; and that the writ of *Novel Disseisin*, and that of *Purparty*, which is called *Nuper Obiū*, have their limitation from the first voyage of King Henry, father to our lord the King that now is, into Gascony. And that the writ of *Mord'ancestor*, of *Cosenage*, of *Aiel*, of *Entry*, and of *Neifty*, have their limitation from the coronation of King Henry, and not before. Nevertheless that all writs now purchased or that shall be purchased between this and the feast of St. John, for one year, be pleaded as from the time that heretofore they have been used to be pleaded.

XL. Forasmuch as many people are delayed of their right by false vouching to vouching to warranty; it is provided, that in writs of Possession, first warranty. of all, as in writs of *Mord'ancestor*, *Cosenage*, *Aiel*, *Nuper Obiū*, *In- tusion*, and other like writs, whereby lands or tenements are demanded which ought to descend, revert, remain, or escheat by the death of an ancestor, or of other, if the tenant vouch to warranty, and the demandant counterplead him, and will ever by assise, or by the country, or otherwise, as the King's Court shall award, that the tenant, or his ancestor (whose heir he is) was the first that entered after the death of him, the seisin of whom he demands; that the averment of the demand-

del demaundaunt receu si le tenaunt le veille atendre; si ceo noun, seit bote vtre a autre respons sil ne eit son garaunt en present q il voille graunter de son gre e meintenaunt entrer en respons sauue al demaundaunt ses exceptions encontre li sil voille voucher outre com il auoit auaunt com le primer tenaunt. C. De rechief en totes maneres des briefs de Entre font mencion des degruz q nul desoremes ne voucho hors de la lingne. En autre briefs de entre q la ou nule mencion nest fet des degruz les queus briefs ne soient sostenuz fors la ou les auaundiz briefs des degruz ne poent gisir ne lui tenir de dreyt. C. Et en brief de dreit purueu est q si le tenaunt vouche a garaunt e le demaundaunt le veille contrepleider e seit prest de auerr^o par pays q celi q est vouche ou ses auncestres vnkes nauoyent seisine de la tere ou del tenement demaunde fee ne fuisse par la meyn le tenaunt ou de ses auncestres puis le tens cely de q seisine le demaundaunt conte iesques al tens q le brief fu purchace e le ple meu, par quei il poent auerrer q le tenaunt ou ses auncestres feoffez seit laverrement del demaundaunt receu si le tenaunt le voille attendre. Si ceo noun, seit le tenaunt bote a autre respons sil neit son garaunt enp^sent q il voille garauntir de son gre et meintenaunt entrer en respons sauue al demaundaunt ses excepions encontre li si com il auoit auaunt encontre le primer tenaunt. Et lauaundit excepion eit lui en brief de mort de auncestre e en autres briefs auaunt nomez ausi bien com en briefs q touchent dreit. Et si le tenaunt par cas eyt chartre de garauntie de autre houme de coste q se seit oblige en nul de les auaundiz cas a la garauntie de son eindegre sauue li seit son recouerir par brief de garauntie de chartre de la Chauncelerie le Rey q^{nt} il voudra purchacer mes q le plai ne seit por ceo delaic. C. De fment de Champyons est porueu pur ceo q relement auient q le Champion al demaundaunt ne seit piurs einz ceo q il iure q il ou son pierre vit la seisine son seyngn^r ou de son auncestre, e son pierre lui comaunda fere la desrene q mes ne seit le Champion al

ant be received, if the tenant will abide thereby, and if not, that he be further put to another answer, if he have not his warrantor present, who will freely warrant him, and immediately enter in answer, saving to the demandant his exceptions against him, if he will vouch over, as he had before in the case of the first tenant.

That from henceforth in all manner of writs of Entry [which] make In writs of entry, no mention of degrees, none vouch out of the line. In other writs of entry, no voucher out of the line. Entry where no mention is made of degrees; such writ shall not be maintained, save where the aforesaid writs of degrees cannot lie, nor of right hold place.

And in a writ of Right it is provided, that if the tenant vouch to Counter-pleading to warrant, and the demandant will counterplead him, and be ready to voucher in aver by the country, that he that is vouched, or his ancestors, never had seisin of the land or tenement demanded, fee or service by the hand of the tenant, or his ancestors, since the time of him, of whose seisin the demandant declares, until the time that the writ was purchased, and the plea moved, whereby he might aver that the tenant or his ancestors were enfeoffed, that the averment of the demandant be received, if the tenant will abide thereby. If not, that the tenant be put to another answer, if his warrantor be not present who will freely warrant him, and immediately enter in answer, saving to the demandant his exceptions against him, as he had before against the first tenant. And that the said exception have place in a writ of *Mortd'ancestor* and in the other writs before-named, as well as in writs that concern right. And if perchance the tenant have a charter of warranty of another collateral, who is bound in none of the cases before mentioned to the warranty of his own accord; that his recovery, by a writ of warranty of charter out of the King's Chancery be saved to him whenever he will purchase it; howbeit that the plea be not therefor delayed.

XLI. Touching the oath of champions, forasmuch as it seldom happens, but that the champion of the demandant is forsworn, in that oath. *Champion's oath.* he swears, that he or his father saw the seisin of his lord, or of his ancestor, [and that] his father commanded him to dereign; it is provided that from henceforth the champion of the demandant be not compelled to swear to it: nevertheless that his oath be kept in all other points.

demaundaunt destreint a ceo iurer mes seit le fment garde en tuz ses autres poinz. C. Pur ceo q en briefs de assises e de atteintes e iurees de vtrum les iuors sont trauaillez par assoigne des tenaunz; purueu est q del houre qil eit vne fiez apparu en Court q mes ne puisse essoneyr mes face attorne a suire pur li sil veille; si ceo noun, seit le assise ou la iuree prise par la defaute. C. Pur ceo q les demaundaunz sont souentefoiz delaez de lour dreit por ceo qil iad plusors parceners tenaunz iointement feoffez ou nul ne siet son seueral dont nul ne poet respondre saunz autre ou q il iad plusors parceners tenaunz iointement feoffez ou nul ne siet son seueral e ceus tenaunz souent fourchent par assoingne, issi q cheskun eyt vn assoingne puruou est q desoremes i ceaus tenaunz ne eyent assoingne, fors q a vne iournee e nient plus q vn soul tenaunt issi q mes puissent fourcher for taunt soulement au vn assoigne. C. Pur ceo q mulz de genz se font faussement assoingner de vtre mer la ou il furēt en Engletere le iour de la somonse, purueu est q desoremes q tiel assoingne ne seit pas del tut alouwe si le demaundaunt le Challenge e prest est de auerrer qil fut en Engletere le iour q la somonse fu fete e treis semeines apres mes seit a iorne en ceste fourme q si le demaundaunt a tiel iour suie la verrement par pais ou si com la Court le Rey agardera e seit ateint q le tenaunt fut dedenz les quatre meers le iour qil fu somons e tres semeines apres, issi q il poeit estre resonablement garni de la somonse seit le assoingne turne en vne defaute e ceo fet a entendre taunt soulement deuaunt Justices. C. Des delais en tote maners de brefs de attachementz est purueu q si le tenaunt ou le defendauant apres le attachement tesmoingne face defaute q meintenaunt seit le graunt destresce agarde e si le visconte ne respoingne soffisaument al iour, seit greuousemēt aficia. Et sil maunde qil ad fet le execucion en due manere e les issues bailliez as mainpernors adonkes seit maunde al visconte q al autre iour face venir les issues deuaunt Justices e si le attache veut sauuer ses defautes eit les issues e sil ne

XLII. Forasmuch as in writs of *Assise, Attaints, and juries of Utrum*, No essoin by jurors are troubled by reason of the essoins of tenants ; it is provided, tonants after that after the tenant has once appeared in Court he be no more essoined, appearance.

but make his attorney to sue for him, if he will ; if not, let the assise or

jury be taken by default.

XLIII. Forasmuch as defendants are oftentimes delayed of their right by reason that there are many parceners tenants, jointly enfeoffed, where none knows his several, no one of whom can be compelled to answer without the other, or there are many parceners tenants, jointly enfeoffed, where none knows his several, and such tenants oftentimes fourch by essoin, so that each of them has an essoin ; it is provided, that from henceforth those tenants do not have essoin, but at one day, and no more than one sole tenant ; so that they can no more fourch, but only have one essoin.

XLIV. Forasmuch as many persons cause themselves falsely to be essoined for being over the sea, whereas they were in England the day of the summons ; it is provided from henceforth, that such essoin be not always allowed, if the defendant challenge it, and be ready to aver that he was in England the day the summons was made and three weeks after ; but that it be adjourned in this form : that if the defendant at such a day prosecute the averment by the country, or as the King's Court shall award, and it be proved that the tenant was within the four seas the day that he was summoned, and three weeks after, so that he might be reasonably warned of the summons, the essoin be turned into a default ; and this is to be understood only before Justices.

XLV. Concerning delays in all manner of writs of attachment, it is provided, that if the tenant or defendant, after the attachment, make default, that straightway the great distress be awarded ; and if the sheriff do not make sufficient return by the day, that he be heavily amerced ; and if he return, that he has made execution in due manner, and the issues delivered to the sureties, then that the sheriff be commanded, that he cause the issues to come before the Justices at another day, and if the party attached come to save his defaults, that he have the issues ; and if

veut eit le Rey les issues. Et Justices a les plez le Rey les facent liuerer en garde robe. Justices del Baunc a Weymostier les facent liuerer al Escheker. Justices en Eyre al visconte de cel Counte ou il pleident ausi bien de cel conte com de foreins Countiez e de ceo seit charge en somonse par roule des Justices. C. Purueu est ensement e par le Rey comaunde q Justices al Baunk le Rey e Justices del Baunk a Weymostier parplaydrent les plez aterminez a vn iour einz ceo q riens seyt attame ou comence des plez del iour ensiuaut hors pris q les assoingnes scient entrez iugez e renduz. Et par acheson de ceo nul houme se fie q il ne viengne a son iour q done lui est. C. Purueu est ensement q si nul desoremes purchace brief de nouele deseisine e si celui sur qi le brief vient com principal deseisisor meorge auaunt q le assise seit passe q le plaintif eyt son brief de ent^e funde sur deseisine sour le heyr ou sour les heyrs al deseisisor de quel age qil scient en mesme la manere eit le heyr ou les heyrs al deseisi lour brief de entre sur les deseisisors de quel age qil scient si par auenture le deseisi meorge auaunt qil eit son purchaz fet. Issi q pur le noun age de heyrs de vne part e de autre ne seit le brief abatu ne le plai delaie mes a q^{nt} lom poet saunz lei offendre seit haste pur la fresche suite apres la deseisine. En mesme la manere seit cel point garde endreit de prelaz gent de religion e autres as queus teres ou tenemēz en nule manere puissent deuenir apres autri mort le quel qil scient deseisiz ou deseisisors. Et si les parties en pleidaunt decendant en enqueste e ele passe encontre le heyr [dedenz age e nomeemēt encontre le heyr] al deseisi, qil en tiel cas eit lateinte de la grace le Rey. C. Si gardein chief seyngn^r feoffe nul houme de la terre q est del heritage al enfaunt q est de denz age e en sa garde a la deseriteson del heyr, purueu est q le heyr meintenaunt eyt son recouerir par bref de nouele deseisine ver son gardein e ver le tenuant e seit la seisin baillé par Justices si ele seit recouree al pchein ami

he come not, that the King have the issues. And that the Justices of the King's Pleas cause them to be delivered in the Wardrobe; and the Justices of the Bench at Westminster cause them to be delivered to the Exchequer; and the Justices in eyre unto the sheriff of that county where they plead, as well of that county as of other counties, and be charged therewith in summons by the roll of the Justices.

XLVI. It is provided also, and commanded, by the King, that the Order of Justices of the King's Bench and the Justices of the Bench at Westminster decide pleas atterminable at a certain day, before any matter be entered upon or commenced, of the pleas of the day following, saving that the assizes be entered, judged, and allowed; but by reason hereof, let none presume that he come not at the day given to him.

XLVII. It is provided also, that if any from henceforth purchase a Non-age of writ of *Novel disseisin*, and he against whom the writ was brought as principal disseisor, die before the assise be passed, that the plaintiff have his writ of *Entry* grounded upon disseisin against the heir or heirs of the disseisor, of what age soever they be. In the same manner the heir or heirs of the disseisee have their writ of entry against the disseisors, of what age soever they be, if peradventure the disseisee die before he has made his purchase; so that for the nonage of the heirs of the one party, and of the other, the writ be not abated, nor the plea delayed; but as much as a man can without offending the law, haste must be made to make fresh suit after the disseisin. In like manner, that this point be observed towards prelates, men of religion, and others, to whom lands or tenements can in no wise descend after others' death, whether they be disseisees or disseisors. And if the parties in pleading come to an inquest, and it pass against the heir [under age, and especially against the heir]¹ of the disseisee, that in such case he have an attaint by the King's grace.

XLVIII. If a guardian, being the chief lord, enfeoff any man of land, that is the inheritance of an infant who is under age, and in his wardship, to the disherison of the heir; it is provided, that the heir forthwith have his recovery by writ of *Novel Disseisin* against his guardian, and against the tenant; and the seisin be delivered by the Justices, if

These words occur in four of the principal MSS. See *Stat. Realm.*

a ki le heritage ne purra decendre pur apruer al eos lenfaunt e a respondre al heyr des issues com il vendra a son age e le gardein pde a tote sa vie la garde de mesme la chose recouere e de tut le remenaunt del heritage qil tient en noun del heyr. Et si autre gardein q chief seyng^r le face, pde la garde de tote cele chose e seit a greue peine never le Rei. Et si lenfaunt seit aloingne ou destourbe par le gardein ou par le feoffe ou par aut^e par quei il ne puisse sasise suire, siue par lui vn de ses procheins amis q voudra e seit receu. C. En bref de douayre dont dame riens nad mes ne seit le bref abatu par excepcion del tenaunt por ceo q ele auera receu son douayre de aut^e houme auaunt son bref purchace sil ne puisse mostrier q ele eyt receu partie de douayre de li mesme e en mesme la vile auaunt son bref purchace. C. Et pur ceo q le Rey fet cels choses al honur de dieu e de saint Eglise e pur le cōmun prou e le aleiaunce de ceus q greuez sont il ne voet mie q autre foiz puissent tourner a biudice de lui ne de la coroune mes q les dreiz q li aportiengnēt li seient sauuez en tuz ses aut^s poinz. C. Et pur ceo q graunt charite serroit de fere dreyt a tuz e en tuz tens ou mes^r serroyt q par assentement des prelaz assises de nouele deseisaine de mort daūceste^r e de drein present feussent prises en laduent e en septuagesame e en quaremme ausi bien com lem fet les enquestes e ceo prie le Rey as Eueskes.

it be recovered, to the next friend, to whom the inheritance cannot descend, to improve it for the use of the infant, and to answer for the issues to the heir, when he shall come to his full age ; and that the guardian, during his life, lose the wardship of what was recovered, and all the rest of the inheritance that he holds in the heir's name. And if another guardian than the chief lord do it, that he lose the wardship of the whole and be heavily punished on the King's part. And if the infant be removed, or disturbed by the guardian, or by the feoffee, or by any other, by reason whereof he cannot sue his assise, then one of his next friends, that will, may sue for him, and he shall be admitted.

XLIX. That in a writ of *Dower*, [called] *Unde nihil habet*, the writ *Plea in Dower*, abate not by the exception of the tenant, because she [the widow] shall have received her dower of another man before her writ was purchased, if he cannot show that she has received part of her dower of himself, and in the same vill, before her writ was purchased.

L. And forasmuch as the King has ordained these things to the *Saving for the Crown* honour of God and Holy Church, and for the Commonweal, and for the relief of those who are aggrieved ; he wills not that at any other time, they should be turned to the prejudice of himself, or of his Crown ; but that such rights as appertain to him, should be saved in all other points.

LI. And forasmuch as it is great charity to do right unto all men, at all times, where need be, [it is provided] by the assent of the Prelates Time of taking assises enlarged. that Assises of *Novel Disseisin*, *Mortd'ancestor*, and *Darrein Presentment*, be taken in Advent, Septuagesima, and Lent, just as Inquests may be taken ; and this the King requests of the Bishops.

13 EDWARD I. A.D. 1285.¹

[RED BOOK OF THE EXCHEQUER IN IRELAND, VOL. 92-96.]

L An de grace M^o C^oC Lxxvij e del Regne le Rey Edward fiz le Rey Henri sime a Glouceſt le moys de Aust porueaunt mesme le Rey pur lamendment de son Reaume e pur plus plenere exhibicion de drete si com le pſt de office regal demaunde appellez le plus descrez de son Regne ausi bien ausi bien² des greindres com des mendres ; establi est e concordaument ordine q̄ come mesme le Regne en plusors diuers cas ausi bien des fraunchises come de autres choses en les queles auaunt lei failli e a eschuire les tres gref damages e les nient nouembrables deseritesons les quels icel manere defaute de lei fist a la gent del reaume eit mester de diuers supplecions de lei e de noueles porueances les estatuz ordinemens e porueances suz escriptes de tote la gent del Regne desoremes fermement seit gardez.

Cum prelaz Countes Barons e autres del Regne cleiment auer diuerses fraunchises a les quels examiner e iuger le Rey ad meames cels prelaz Countes Barons e autres auoit done iour : Purueu est e concordaument graute q̄ les auaundiz prelaz Countes Barons e autres cels manere de fraunchises usēt issint q̄ rien ne lur acresse par usurpacion ou occupacion ne rien sur le Rey ocupēt iesques a la pcheine venue le Rey par le Conte ou a la pcheine venue des Justices erraunz as comuns plez en mesme le Counte ou iesqe le Rey comaunde aut^e chose salue le dreit le Rey com il enuoudra parler solum ceo qil est contenu en le bref le Rey e de ceo sient maunde brefs as viscontes baillifs e autres por cheskun demaundaunt e seit la fournie del bref chaunge e solum la diſſete des fraunchises les quels cheskun cleime auer. C. E les viscontes par totes lour baillies frunt cōmunaumēt crier ceo est a sauver en Cites en Burgs en viles marchaūdes e aillurs q̄ touz ceaus q̄ aukuns fraunchises cleiment auer par

¹ See Writ 13th year (p. 46), commanding observance of this Statute in Ireland. This Statute was re-enacted for Ireland by Statute in a Parliament held at Dublin, 13 Edward II., cap. 2.

² Words repeated in MS.

13 EDWARD I. A.D. 1285.

THE STATUTES OF GLOUCESTER. (Enacted in England. 6 Edward I.)

THE year of grace 1278, and the sixth of the reign of King Edward, son of King Henry, at Gloucester, in the month of August, the King himself providing for the amendment of his realm, and for a fuller display of justice, as the good of the kingly office requires, having called unto him the most discreet persons of his kingdom, as well of the greater as of the lesser, it was established and ordained with one accord, that whereas the same kingdom, in many divers cases as well of franchises as of other things, wherein aforetime the law has failed, and to avoid the very grevious damages and innumerable disherisons which this default of the law has caused to the people of the realm, has need of divers additions to the law, and of new provisions; that therefore the statutes, ordinances, and provisions under-written be henceforth steadfastly observed by all the people of the kingdom.

Whereas the prelates, earls, barons, and others of the kingdom, claim franchises, claimed may be used until examination thereof.

to have divers franchises, for the examination and judgment whereof the King had appointed a day to the said prelates, earls, barons, and others; it is provided and granted with one accord, that the aforesaid prelates, earls, barons, and others, use such manner of franchises, so that nothing accrue to them by usurpation or encroachment, and that they encroach nothing against the King, until the next coming of the King through the county, or the next coming of the Justices in eyre for common pleas into the same county, or until the King otherwise command; saving the King's right when he wishes to demand it, according to what it contained in the King's writ. And hereof let writs be issued to the Sheriffs, Bailiffs, and others, in behalf of every one demanding it; and that the form of the writ be changed according to the diversity of the franchises that each claims to have.

And that the Sheriffs cause it to be commonly proclaimed through- Proceedings on claims to out their bailiwicks, that is to say, in Cities, Burghs, Market Towns, Franchises. and elsewhere, that all those who claim to have any franchises by the

les chartres Les predecessors le Rey Reys de Engletere ou en autre manere sient deuaunt le Rey ou deuaunt Justices en eyre a &tein iour e lui a mostrer quels manere de fraunchises il cleiment auer e par quel garaunt. E les viscontes mesme donkes &ront ileokes psonaument od lour baillifs & lour ministres a &tefier le Rey sur les auaundtites fraunchises e autres choses q' cels fraunchises touchent. E ceste crie deuaunt le Rey contingne garnisement de treis semeynes. C. En mesme la manere front les Viscontes crier en eyre de Justices e en mesme la manere ferront il psonaument od lour baillifs & lour ministres a &tefier les Justices de tiels manere de fraunchises e des autres choses q' ceaus fraunchises touchent. Et teste crie contiengne garnisement de q'raunte iours si com la cōmune sononse cōtient issi q' si la partie q' cleime auer fraunchise seit deuaunt le Rey ne seit pas mis en defaute deuaunt les Justices en eyre pur ceo q' le Rey de sa grace especiale ad graunte q' il gardera la partie de damage q'nt a cel aiournement. E si cele partie seit en play sour tiels manere de fraunchises deuaunt vne peire des Justices auaundtiz mesmes les Justices deuaunt les quels la partie est plai garderont la partie de damage deuaunt autres Justices. E le Rey deuaunt li mesme mes q'il sache par les Justices q' la partie feust en plai deuaunt cus si com il est auaunddit. Et si ceaus q' cleiment tiels fraunchises auer n̄ viengnēt al iour auaunddit, donkes seient les fraunchises en noun de destresce prises en la main le Rey par le visconte del lui issi q' tiel manere de fraunchises ne vsent ieakes il viēgnent a receiure dreit. C. E q'nt il viengnent par cele destresce, lour fraunchises lour seiēt repleuies sil les demaudent les quels repleuies respoingnēt meintenant en la forme auādite. E si par auenture les parties exceptent q' il ne deiuent nient de ceo respondre saūz bref original, donke si il pusse estre seu q' eus de lour ppre fet eyent vsurpe ou occupe aukuns fraunchises sour le Rey ou sour ses p̄decessors, dit lour seit q' meintenaūt respoingnent saunz bref e puis receiuent iugement si com la Court le Rey agardera. E si il dient outre q' lour auncestre e lour auncestres de mesme les fraunchises morurent seisis, seit oi

charters of the King's predecessors, Kings of England, or in other manner, be before the King or before the Justices in eyre, at a certain day and place, to shew what manner of franchises they claim to have, and by what warrant. And the Sheriffs themselves shall then be there personally, with their bailiffs and officers, to certify the King upon the aforesaid franchises and other matters touching such franchises. And that this proclamation before the King contain three weeks' notice.

And in like manner the Sheriffs shall make proclamation in the circuit of the Justices, and in like manner they shall come personally with their bailiffs and officers, to certify the Justices of such manner of franchises, and other matters touching such franchises. And that this proclamation give forty days' notice, as the common summons contains; so that if the party who claims to have a franchise be before the King, he be not put in default before the Justices in eyre; forasmuch as the King of his special grace has granted that he will save the party harmless in respect of this adjournment. And if any such party be in plea upon such manner of franchises before two of the aforesaid justices, that the same justices before whom the party is in plea, save the party harmless before other justices; and the King likewise before himself, when he knows from the justices that the party was in plea before them, as is before said. And if they that claim to have such franchises come not at the day aforesaid, then that the franchises be taken into the King's hand by the Sheriff of the place, by way of distress, so that they use not such manner of franchises until they come to receive justice.

And when they come upon that distress, that their franchises be replevied, if they demand them, which replevies they shall answer forthwith in the form aforesaid. And if peradventure the parties make exception that they ought not to answer thereupon without an original writ, then if it can be known that they have, by their own act, usurped or occupied any franchises against the King or his predecessors, that they be told forthwith to answer without writ, and afterwards receive judgment as the King's Court shall award. And if they allege further that their ancestor or ancestors died seised of the same franchises,

Seiser of
Franchises on
non-appear-
ance.

Exception for
want of
original Writ.

e meintenaunt seit la verite enquise e solum ceo aillent les Justices auaunt en la bosoingne. E si il seit troue q leur auncestre en morust seisi, donkes eit le Rey bref original de sa Chauncelerie en la forme fete de ceo. C. Le Rey maude saluz al visconte sommonez par bons somenors vntiel q il seit deuaunt nus a tiel lui a nre pcheine venue en tiel Counte ou deuaunt Justices as primeres assises com il en celes parties vendront a mostrer par quel garaunt il cleime auer quitaunce de tounue pur sei ou ses homes par tut nre reaume par continuacion apres la mort tel iadis son pdecessor. E eyez ileokes les somenurs e ceo bref. E si les parties viengnent al iour, respoingnent e seit replie & iuge. E sil ne viengnent ne se essoingnent deuaunt le Rey e le Rey demeorge outre en cel Counte, seit comande al visconte qil les face venir al quart iour a quel iour si il ne viengnent e le demeorge outre en cel Counte seit fet si com en eyre de Justices. E si le Rey departe del Counte, seient les parties aiornee a bref iour e eyent renables delays iuste les descrecions des Justices si com en actions psoneles. E les Justices E les Justices¹ en eyre facent de ceo en leur eyres solum le ordeinement ausundit e solum ceo q tiels manere de plez deuient estre deduz en eyre. C. Des pleintes fetes & a fere des baillifs le Rey e de autri baillifs seit solum le ordeinemt auaunt fet de ceo e solum les enquistes de ceo auaunt prises & de ceo frount les Justices en eyre, solum ceo q le Rey lour ad enioint e solum les articles q le Rey lour ad liuere. C. Cvm auaunt ces heures damages ne feussent agardez en assises de nouele deseisine fors taunt soulement vers les deseisisors; purueu est q si les deseisisors alienent les tenemenz e ne eient dount les damages puissent estre leuez q ceus en qd mains iceus tenemenz deuendront, seient chargez des damages issint q cheskun respoingne de son tens. C. Purueu est ensement q le deseisi recoure damage en bref de entre founde sour noule deseisine vers celi qd est troue tenaunt apres le deseisor. C. Purueu

¹ Words repeated in MS.

that they be heard, and forthwith inquiry be made of the truth, and Proceedings
according thereto that the justices proceed in the business. And if it be found that their ancestor died seised thereof, then the King shall have an original writ out of his Chancery in the form in that case
made :

" The King to the Sheriff, sends greeting ; summon by good sum- Form of Writ.
moners such an one, that he be before us, at such a place, upon our next coming into such a county ; or before the justices at the first assises, when they shall come into those parts, to shew by what warrant he claims to be quit of toll, for him or his men, throughout our realm, by continuance after the death of such an one late his predecessor. And have there the summoners and this Writ."

And if the parties come at the day, that they answer, and reply be Proceedings
made, and judgment given. And if they come not, nor essoin them- on such Writ.
selves before the King, and the King tarry longer in that county, that the Sheriff be commanded to cause them to come at the fourth day ; at which day if they come not, and the King tarry longer in that county, let it be done as in the eyre of the justices. And if the King depart out of the county, the parties be adjourned unto a short day, and have reasonable delays, according to the discretion of the justices, as in actions personal. And that the Justices in eyre proceed herein, in their eyres, according to the ordinance aforesaid and according as such manner of pleas ought to be proceeded on in the eyre.

Concerning complaints made and to be made of the King's bailiffs, Complaints
and of the bailiffs of others, that it be done according to the ordinance against
before made thereof, and according to the inquests before taken there- Sheriffs.
upon. And the Justices in eyre shall do therein, according to what the King has enjoined them, and according to the articles which the King has delivered to them.

I. Whereas heretofore damages were only awarded in Assises of *Novel Damages in
disseisin*, against the disseisors, it is provided, that if the disseisors &c.
alien the tenements, and have not whereof the damages may be levied, that they to whose hands such tenements shall come, be charged with the damages, so that every one answer for his time.

It is provided also, that the disseesee recover damages in a writ of Entry, grounded on *Novel disseisin* against him that is found tenant after the disseisor.

est ensement q̄ la ou enauaunt ces houres damages ne furent agardez en ple de mort de auncestre fors en cas la ou tenement feust recouere vers chief seygn̄ q̄ desoremes damages seient agardez en tuz cas ou en recoure par assise de mort de auncestre si com est auaundit en assise de nouele descissine. En mesme la manere recoure lem damages par bref de Cosinage del Ael ou de Besael.¹ C. Et seit desoremes en mesme la manere cheakun tenu a rendre damages la ou om recoure ver lui de sa entrusion ou de son fez demeyne. C. E si enfaunt dedenz age seit tenu hors de son heritage apres la mort son Cosin Ael ou Besael par quei il couengne q̄ il p̄chace bref e son adūsaire viengne en Court e en responaunt alegge feffement ou autre chose par quei Justices agardent enqueste la ou enqueste fust delaie iesques al age si passe ore lenqueste ausi com il fu de age. Establi est ensement q̄ si home alieno tenement q̄ il tient par la lei de Engleſe son fiz ne seit pas barre par le fet son piere par q̄i nul heritage ne li est decendu a demaunder e recouerer par bref de mort dauncestre la seisin sa mere tut face la chartre son piere mencion q̄ lui e ses heirs seient tenuz a la garauntie. E si heritage lui seit decendu p̄ son piere, donke seit il forclou de la value del heritage q̄ lui est decendu. E si entens apres heritage lui decent par mesme le piere, donk auera le tenant vers lui recouerir de la seisin sa mere par bref de iugement q̄ istra des roules des Justices deuant les queus le plai fu plede e resomoudre son garaunt si com ad este fet en autre Cas ou le garaunt vint en curt e dit q̄ rien ne lui est decendu de lui par q̄i fet il est vouche. C. En mesme la manere le issue del fiz par bref del Ael Cosin e del Besael. Ensement en mesme la manere ne seit le heyr la femme apres la mort le piere e la miere barre de action par la Chartre son piere sil demaunde le heritage ou mariage la mere par bref de entre q̄ son piere entens sa mere aliena dont nule fin est

¹ Other MSS. have here a clause giving costs where damages are recovered.
See *Stat. Realm.* I. p. 47.

It is provided also, that where before this time damages were not In *Mort'd'ancestor*. awarded in a plea of *Mort'd'ancestor* (except in case where the tenement was recovered against the chief Lord) that from henceforth damages be awarded in all cases where a man recovers by Assise of *Mort'd'ancestor*, as before said in assise of *Novel disseisin*. And in the same way, that damages be recovered by writ of *Cosenage, Aiel, and Beesiel*. *Cosenage, &c.*

And that every person from henceforth be bound in the same way to render damages, where one recover against him on his own intrusion, or his own act.

II. And if a child under age be kept out of his heritage after the death of his cousin, grandfather, or great grandfather, whereby it be- comes necessary for him to purchase a writ, and his adversary come into court, and in answering alleges a feoffment, or other thing, whereupon the Justices award an inquest; whereas the inquest was deferred unto the full age [of the infant], now the inquest shall pass as if he were of age.

III. It is established also, that if a man alien a tenement, that he holds by the law of England, his son be not barred by the deed of his father, from whom no inheritance descended to him, from demanding and recovering by writ of *Mort'd'ancestor*, the seisin of his mother, although the charter of his father mention, that he and his heirs should be bound to warranty. And if any inheritance descend to him from his father, then that he be barred from the value of the inheritance that has descended to him. And if in time after, any inheritance descend to him by the same father, then the tenant shall have recovery against him of the seisin of his mother by writ of judgment that shall issue out of the rolls of the Justices, before whom the plea was pleaded, and re-summon his warrantor, as has been done in other cases where the warrantor comes into court, and says, that nothing descended to him from him by whose deed he is vouched.

And in like manner that the issue of the son [recover] by writ of *Aiel, Cosenage, and Beesiel*. Also that in like manner the heir of the wife be not barred of action after the death of the father and the

leuee en la Court le Rey. C. Ensement si home lest a tere a ferme ou a trouer estouer ou viure ou vesture q amon a la quarte partie de la verreye value de la tere e celui q tient la tere issint charge la lesse gisir frische issi q lem ni pusse trouer destreses par deus aunz ou treis saunz fere la ferme rendre ou saunz fere ceo q est contenu en le escrit de les, establi est q apres les deus aunz passez eit le lessur action a demaunder la tere en demeine q il auera par bref en la Chauncelerie. E si celui ver q la tere est demaunde viengne auaunt iugement e rende les arrerages e les damages e treoue seurte tele com la Court verra q seit suffisaunt a rendre en apres ceo q est contenu en le Escrit si il retiengne la tere e si il demeort desqe staunt q ele seit recouere par iugement, si seit encoreue a remenaunt. Ensement purueu est q lem eit desoremes bref de Wast en la Chaücelerie fet de ceo q home qui tient par la lei de Engletere ou en autre manere a terme de vie ou a terme daunz ou femme en douayre e celui qui serra ateint del Wast si pde la chose qil ad Wastee e estre ceo face le gre del treble de ceo q le Wast serra taxe. C. Endreit de wast fete en garde seit fet solom ceo q il contenu en la graunt chartre e par la ou il est contenu en la chartre q celui q auera fet Wast en garde pde la garde; acorde e q il rende al heyr les dammages del Wast si il ne seit q la garde pdue ne soffise mie a la value des damages auaunt le age del heyr de mesme la garde.

Purueu est ensement q si home meort e oit plusors heyrs dont le vn est fiz ou fille frere ou seor neuou ou niece e les autres seient en plus loingtein degré les heyrs eyent desoremes recouerir par bref de la Chauncelerie de mort de aücest.

Ensement si femme vent ou doune en fee ou a terme de vie tenement q ele tiët en douayre; establi est q le heyr ou autre a ki la tere deuereit refutir apres le deces la femme eit maintenaunt son recouerir a demaunder la tere par bref de entre fet de ceo en la Chauncelerie.

mother, by the charter of his father, if he demand by writ of entry the inheritance or marriage [portion] of the mother which his father aliened in the time of his mother, whereof no fine was levied in the King's Court.

IV. Also if a man let his land to farm, or to find estovers, whether food or raiment, amounting to the fourth part of the true value of the land, and he who holds the land so charged lets it lie uncultivated, so that the party can find no distress there by the space of two or three years, without [the farmer] paying the rent or doing as is contained in the writing of the lease; it is established, that after the two years have passed, the lessor have an action to demand the land in demesne, which he shall have by a writ in the Chancery. And if he against whom the land is demanded come before judgment, and pay the arrears and the damages, and find surety (such as the Court shall think sufficient) to pay from thenceforth as is contained in the writing, that he keep the land. And if he tarry until it be recovered by judgment, that he be barred for ever.

V. It is provided also, that from henceforth a man have a writ of waste in the Chancery made thereupon against him who holds by the law of England, or otherwise for term of life, or for term of years, or a woman in dower. And that he who shall be attainted of waste, lose the thing that he has wasted, and moreover give as compensation treble what the waste shall be assessed at.

And in respect of waste made in the wardship, that it be done as is contained in the Great Charter. And where it is contained in the Charter, that he who shall have committed waste in a wardship, lose the wardship, it is agreed that he render to the heir damages for the waste, if it be that the lost wardship do not amount to the value of the damages before the age of the heir of the same wardship.

VI. It is provided also, that if a man die, having many heirs, of whom one is son or daughter, brother or sister, nephew or niece, and the others be in a further degree, the heirs recover from henceforth by writ of *Mortd'ancestor* out of Chancery.

VII. Also if a woman sell or give in fee, or for term of life, the tenement that she holds in dower; it is ordained, that the heir, or other to whom the land ought to revert after the death of the woman, have his present recovery to demand the land by a writ of entry made thereof in the Chancery.

Remedy by
cessavit against
a tenant in
fee-farm.

Action of waste
extended.

One Writ of
Mortd'ancestor
for divers
heirs.

Writ of entry
in casu proposito
on alienation
of dower.

Purueu est ensement q viscontes plendent en Countiez les plez de trespass ausi com il solient estre pledez. E q nul desoremes eit bref de trespass deuaunt Justices sil na fie par fey q les biens emportiez vaillett quaraunte souz al meina. E si il se pleint de baterie a fie par fei q sa pleinte est veritable. C. De playes e de mahains eit om bref si com om soleit e graunte est q les defendaunz puissent desoremes fere aturnez en tiels plaiz ou apel nest issi q sil seient ateinz del trespass en lour absence seit maunde al visconte q il seient pris e eient donke la peine q il auereient sil eussent este p̄sent quant le iugement fu rendu. E si les pleintifs desoremes en tiel trespass se facent essonier apres la premore aparance seit iour done ieske a la venue des Justices e les defendaunz en dementers seient en pees en tiels plez e en aut̄s plez la ou attachementz e destresces gisent. E si le defendaunt se face essonier de fuisse le Rey e ne porte son garaunt al iour q est done a son essoneur q il rende al plentif les damages de la iourne de vint souz ou de plus solom la descrecion des Justices e ialemeins en la greue fici le Rey.

Le Rey comaunde q nul bref de la Chauncelerie seit graunte de mort de home de enq̄re si houme ocie autre par mesauenture ou sei defendaunt ou en autre manere par felonie mes si tiel seit en prison e deuaunt Justices erraunz ou Justices assingnez a Gaoles deliuer^o si mette en pais de bien e de mal e lem troesse par pais q il eit fet sei defendaunt ou par mesauenture donke par record des Justices face le Rey sa grace si lui plest.

Cum il seit contenu en lestatut le Rey q ore est q deus paroers ou deus q tianet en cōmune ne puissent fourcher par assoingne del oure qil auerunt vne feiz apparu en Court; purueu est q mesme ceo seit garde e tenuz ou houme e sa femme sont enpledez en la Court le Rey.

Purueu est ensement en la Cite de Londres q si houme baud son tenement a lme de aunz e celui a q̄i le fraunk tenement est se face enpleider par collusion e face defaute

VIII. It is provided also, that Sheriffs plead pleas of trespass in County-courts, as they have been accustomed to be pleaded. And that none from henceforth have writ of trespass before justices, unless he swear by his faith, that the goods affected are worth forty shillings at the least. And if he complain of battery, he swear by his faith, that his plaint is true.

Touching wounds and maims, that a man have a writ as he was wont to have it. And it is granted, that the defendants henceforth in such pleas may make attorneys, where appeal does not lie, so that if they be attainted of the trespass in their absence, the Sheriff be commanded to take them, and they have then the penalty which they would have had, if they had been present when the judgment was given.

And if the plaintiffs from henceforth in such trespasses cause themselves to be essoined after the first appearance, that a day be given them until the coming of the Justices, and the defendants in the mean time be in peace in such pleas, and in other pleas where attachments and distresses lie. And if the defendant essoin himself of the King's service, and do not bring his warrant at the day that is given to his essoiner, that he render the plaintiff damages for his journey twenty shillings or more, according to the discretion of the justices, and further be in the heavy mercy of the King.

IX. The King commands that no writ be granted out of the Chancery for the death of a man, to enquire whether one man kill another by mis-adventure, or in his own defence, or in any other manner feloniously; but if such be imprisoned and [be brought] before the Justices in eyre or justices assigned for gaol-delivery, if he put himself upon the country for good and evil, and it be found by the country, that he did it in his own defence, or by misadventure, then on the record of the justices the King will grant him his grace, if it please him.

X. Whereas it is contained in the statute of the King that now is, that two parooneers, or two that hold in common, may not fourch by essoin, after that they shall have once appeared in court; it is provided that the same be observed and kept, where a man and his wife are impleaded in the King's Court.

XI. It is provided also, in the city of London, that if any man lease his tenement for term of years, and he to whom the freehold belongs, cause himself to be impleaded by collusion, and [make default

In what court
pleas of
trespass shall
be.

Defendants
may plead by
such attorneys.

Essoins by
plaintiffs and
defendants.

No Writ out of
Chancery in
certain cases
of homicide.

One essoin for
man and wife.

Feigned
recovery in
London against
a termor.

apres defaute viengne en Curt e voile rendre pur fere le fermer ptre son terme e le tenaunt eit querelee issi q le termer puisse auer recouerir par bref de couenaunt; le Meyre e les baillifs puissent enquere par bon visne en la p'sence le ffit e del demaundaunt le quel le demaundaunt pleida par dreit qil aueit ou par collusion ou par fraude pur fere le termer perdre son terme. E si trouve seit par enqueste q le demaundaunt meust son plai par bon dreit qil aueit si seit le iugement furny maintenaunt. E si trouve seit qil pleidast par fraude pur tolir le fme al fmer le execucion del iugement pur le demaundaunt seit suspendu iesques apres le fme passe. En mesme la manere seit fet equite en tel cas deuaunt Justices si le termer le challenge auaunt le iugement.

Purueu est ensement q si houme empleide de tenement en mesme la Citee vouche forein a garaunt q il viengne a la Chauncelerie e eit bref a somoudre son garaunt a certain iour deuaunt les Justices del Baunk e vn autre bref al Meyre e as baillifs de Londres q il soursesent de la parole q est deuaunt eus par bref iesques ataunt q la parole de la garauntie seit fmine deuaunt les Justices del Baunk. E q'nt la parole al Baunk f'ra fmine e f'ra dit al garaunt q il voist en la Citee e respoingne del chief plai e le demaundaunt par sa suite eit bref des Justices del Baunk al Meyre e as baillifs q il voisent auaunt en le plai. E si le demaundaunt recoure; viengne le tenaunt as Justices del Baunk e eit bref al Meyre e as baillifs q si le tenaunt eit sa tere perdue q il facent estendre la tere e retournent l'estente al Baunk a stein iour e apres seit maunde al visconte del pays ou le garaunt fu somons q il lui face auer de la tere le garaunt a la vaillance.

Purueu est ensement q del houre q le plai serra meu en la Cite de Londres p bref le tenaunt ne eit pas poer de fere Wast ne estreppement del tenement q est demaude pendaunt le plai e ceo facent le Meyre e les baillifs garder a la suite le demaude. E mesme le ordeinement e estatut seit garde en autres Cites e Burgs e ailleurs par tut le reaume. C. Le Rey

after default, or come into the Court, and wish to give it up, to make the termor lose his term, and the tenant make this contention, that the termor can have recovery by writ of covenant, the Mayor and Bailiffs may inquire by a good venue, in the presence of the termor and the defendant, whether the defendant pleaded by right that he had, or by collusion, or by fraud, to make the termor lose his term. And if it be found by the inquest, that the defendant moved his plea upon good right that he had, that judgment be given forthwith. And if it be found, that he impleaded him by fraud, to take the term from the termor, then that the execution of the judgment for the defendant be suspended until the term be expired. In like manner that equity be done before the justices in such case, if the termor claim it before judgment.

XII. It is provided also, that if a man, impleaded for a tenement in vouching a foreigner in London. Chancery, and have a writ to summon his warrantor at a certain day before the justices of the Bench, and another writ to the Mayor and Bailiffs of London, that they surcease from the plea that is before them by writ, until the plea of the warranty be determined before the justices of the Bench. And when the plea at the Bench shall be determined, the party warranted shall be commanded to go into the city, and answer to the chief plea. And that the defendant by his suit have a writ of the justices of the Bench to the Mayor and Bailiffs, that they proceed in the plea. And if the defendant recover, that the tenant come before the justices of the Bench, and have a writ to the Mayor and Bailiffs, that if the tenant have lost his land, they cause the land to be valued, and return the extent at a certain day into the Bench, and after that it be commanded to the Sheriff of the district where the warrantor was summoned, that he cause him to have of the land of the warrantor to the value.¹

XIII. It is provided also, that after such time as the plea shall be moved in the City of London by writ, the tenant have no power to make waste restrained pending suit in London.

¹ See *Liber Custumarum*. Lond. Vol. II., pt. I., p. 169-177 as to the correction of this article.

graunte as Citeins de Loundres q la ou auaunt ces heures
ceaus q furent deseisis de fraunk tenement en mesme la Citee
ne poerent recouerir lour damages auaunt la venue des Justices
a la Tour ; q ces deseisis desoremes eient lour damages par la
reconisaunce del assise par la quele il recoueront le tenement e
les deseisors seient amerciez deuaunt deus Barons del Escheker
qi vne fiez par an vendront en la Citee pur ceo fere. E ceo
seit maunde al Tresurer e as Barons qil facent cheskon an
par deus de eaus apres lour leuer de la Chaundeloure e les
aficiemenz par somonse del Escheker seient leuez e al eos le
Rey al Escheker liuerez.

Purueu est ensement q le Meyre e les baillifs auaunt la
venue de ces Barons enq'rrront des vins venduz encontre le
assise e le p'senteront deuaunt eaus a lour venue. E donke
seient amerciez la il soleient atendre la venue des Justices.
Donee a Glouč le dimenje pchein apres la feste saint Piero a
la Goule de Aust lan auauntdit.

any waste or estrepement of the tenement in demand, pending the plea; and that the Mayor and Bailiffs cause it to be kept at the suit of the demandant. And that the same ordinance and statute be observed in other cities, and burghs, and elsewhere throughout the realm.

XIV. The King grants unto the citizens of London, that whereas Damages on
disseisins in
London. heretofore they that were disseized of freehold in the same city could not recover their damages before the coming of the justices to the Tower, that from henceforth the disseisees have their damages by recognition of the assise whereby they recovered the tenement, and the disseisors be amerced before two Barons of the Exchequer, who shall come once a year into the city to do it. And that it be commanded to the Treasurer and the Barons, that they do this every year by two of them after their Candlemas rising. And that the amercements by summons of the Exchequer be levied, and be delivered to the King's use, at the Exchequer.

XV. It is provided also that the Mayor and Bailiffs before the coming of these Barons, enquire of wines sold contrary to the assise, and make presentment before them at their coming and then that they be amerced, Wines sold in
London
contrary to
the assise. whereas they were wont to wait the coming of the Justices.

Given at Gloucester the Sunday next after the feast of St. Peter in the gule of August the year aforesaid.

13 EDWARD I. A.D. 1285.

A STATUTE OF MERCHANTS.¹

Forasmuch as merchants, who heretofore have lent their goods to divers persons, have fallen into poverty, because there is no speedy law provided, by which they may quickly recover their debt at the day assigned for payment; and for this cause many merchants have refrained from coming into this land with their merchandise, to the damage of the merchants and of all the realm; the King by himself and by his Council at his Parliament which he held at Acton Burnel, after the feast of St. Michael, in the eleventh year of his reign, made and ordained an Act thereupon for the relief of the merchants; which ordinance and act the King commanded should be firmly kept and observed throughout his realm, whereby the merchants have had relief, and less loss and trouble in recovering their debts, than before they were wont. But forasmuch as the merchants since complained to the King,

¹ The text taken from *Statute Roll (Engl.)* m. 46d, is printed in *Statutes of the Realm*, I, p. 98.
See Writ (p. 46), 13th year, commanding observance of this Statute in Ireland.

**Form of
acknowledging
a Statute
Merchant.**

that the Sheriffs misinterpreted his statute, and sometimes by malice and false interpretation delayed the execution of the statute, to the great damage of merchants; the King at his Parliament at Westminster after Easter in the thirteenth year of his reign, caused the said statute made at Acton Burnel to be rehearsed; and for the declaration of certain articles of his statute aforesaid, has ordained and established that a merchant who wishee to be secure of his debt, cause his debtor to come before the Mayor of London, or before another chief warden of a town, or of another good town, where the King shall appoint, and before the Mayor or chief warden, or other sufficient man chosen and sworn thereto, when the Mayor or chief warden cannot attend, and before one of the clerks that the King shall thereto assign, when both cannot attend, to acknowledge the debt and the day of payment; and that the recognizance be enrolled by the hand of one of the clerks aforesaid, who shall be known, and that the roll be double, whereof one part shall remain with the Mayor or chief warden, and the other with the clerk that thereto shall be first named; and further, that one of the said clerks with his own hand make a writing obligatory, to which writing the seal of the debtor shall be put, with the King's seal provided for the same; which seal shall be of two pieces, whereof the greater piece shall remain in the custody of the Mayor, or the chief warden, and the other piece in the hand of the aforesaid clerk. And if the debtor do not pay at the day limited to him, if the merchant come to the Mayor and clerk with his bill obligatory; and if it be found by the roll or by the bill, that the debt was acknowledged, and that the day assigned be passed, that the Mayor or chief warden cause the body of the debtor to be taken (if he be a layman) whenever he be found in their jurisdiction, and commit him to the prison of the town, if there be a prison, and that he remain there at his own costs, until he has made satisfaction for the debt. And it is commanded that the keeper of the town prison retain him upon the delivery of the Mayor or warden; and if he will not receive him, that the keeper of the prison straightway answer for the debt, if he have whereof; and if he have not whereof, that he who committed the prison to his keeping answer. And if the debtor cannot be found within the jurisdiction of the Mayor, or chief warden, then that the mayor or chief warden send to the Chancellor, under the King's seal aforesaid, the recognizance made of the debt; and the Chancellor direct a writ to the Sheriff, in whose bailiwick the debtor shall be found, that he take his body (if he be a layman) and keep him in safe prison until he has made some satisfaction for the debt; and within a quarter of a year after he shall be taken, that he have his chattels and his lands delivered, so that out of his own he may levy and pay the debt; and that it be lawful for him, during the quarter, to sell his lands and tenements for the discharge of his debts, and his sale shall be good and valid. And if he do not make satisfaction before the end of the quarter, that all the goods of the debtor and all his lands by reasonable extent, be delivered unto the merchant to hold them until the debt shall be fully levied; and nevertheless that the body remain in prison as aforesaid, and the merchant find him bread and water; and the merchant have such seisin in those tenements delivered unto him or his assignee, that he can bring a writ of *Novel disseisin*, if he be put out, and *redisseisin* also, as of freehold, to hold to him and his assigns until the debt be paid; after the debt is levied and paid, that the body of the debtor be delivered with his land. And in the writ that the Chancellor shall issue, mention be made, that the Sheriff is to certify the Justices of the one Bench or of the other, how he has performed the King's commandment, by a certain day, at which day that the merchant sue before the justices, if satisfaction be not

**Creditor's
remedy if debt;
be not paid.**

**Certificate of
the Statute
into Chancery.**

**Within what
time debtor
may sell his
land.**

**The merchant's
estate in the
debtor's lands.**

made him ; and if the Sheriff do not return the writ, or do return that the writ came too late, or that he directed it to the bailiffs of some franchise, that the Justices do as it is contained in the last Statute of Westminster. And if, in case the Sheriff return that the debtor is not found, or that he is a clerk, that the merchant have a writ to all the Sheriffs where he shall have land, that they deliver unto him all the chattels and tenements of the debtor by reasonable extent, to hold unto him and his assigns in the form aforesaid ; and nevertheless he have a writ to what Sheriff he will, to take his body (if he be a layman) and to hold it in manner aforesaid. And let the keeper of the prison take heed, that he will have to answer for the body, or for the debt. And after the debtor's lands shall be delivered to the merchant, it shall be lawful for the debtor to sell his land, so that the merchant have no damage of his approvements ; and saving always to the merchant his damages, and all necessary and reasonable costs of his labours, suits, delays, and expenses. And if the debtor find pledges who acknowledge themselves to be principal debtors, after the day limited, let it be done to the pledges in everything as is said of the principal debtor, as to the arrest of body, delivery of lands, and other things. And when the lands of the debtors shall be delivered unto the merchant, that he have seisin of all the lands that were in the hand of the debtor the day on which the recognizance was made, into whose hand soever they shall afterwards have come, either by feoffment, or otherwise. And after the debt has been paid, that the lands granted away by the debtor by feoffment return back to the feoffee, as the other lands to the debtors. And if the debtor or pledge die, that the merchant be not able to recover by taking the body of the heir, but by his lands, as aforesaid, if he be of age, or when he shall be of age.

And that a seal be provided, to serve for fairs, and this seal shall be sent to every fair under the King's seal by a sworn clerk. And that by the keeper of the fair and the community of merchants, two lawful merchants of the city of London be chosen, who shall make oath, and the seal be opened before them, and the one piece be delivered unto the aforesaid merchants, and the other remain with the clerk ; and before them, or one of the merchants (if both cannot attend) the recognizances be taken, as aforesaid. And before any recognizance be enrolled, that the penalty of the statute be openly read before the debtor ; so that at another time he cannot say that any put another penalty than that whereto he bound himself. And to provide the costs of the said clerk, the King shall take of every pound a penny, in every town where the seal shall be, except fairs, where he shall take three half-pennies of the pound. This ordinance and act the King wills to be observed from henceforth throughout his realm of England and of Ireland, This Act not to between any that will of their own accord make such recognizances, extend to Jews except Jews, to whom this ordinance extends not. And that by this Writ of Debt act the writ of debt be not abated ; and that the Chancellor, the not abated. Barons of the Exchequer, Justices of the one Bench and of the other, Chancellor, and Justices in eyre, be not estopped from taking recognizances of Justices, &c, debts from any who wish to make such before them, but that the executions of recognizances made before them shall be not done in the form as heretofore aforesaid, but by the law and usage and in the manner elsewhere provided in another statute.

Debtor's
sureties

Merchant to
have the land
but not body

Duty to the
King on a
Statute.

This Act not to
extend to Jews
except Jews, to whom this ordinance extends not.

13 EDWARD I. A.D. 1285.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 97-119].

Statuta dñi Regis Edwardi fit Regis henr' fca apd Westm ad Pascha anno ſui 13*terciodecimo*¹.

CUM nuper dominus nř Rex in quindena sancti Johannis Baptiste anno Regni sui sexto conuocatis Prelatis Comitibz Baronibz & consilio suo apud Gloucestriam quia plures de regno suo exheredacionem paciebant eo qđ in multis casibz vbi remedium apponi debuit prius nō fuit p p̄decessores suos aut ipm remedium prouisum; quedam statuta populo suo valde necessaria & vtilia ediderit p que populus ſuus Anglianus & Hibernicus sub suo regimine gubernatus, celeriorem iusticiam qđ prius in suis oppressionibz consecut' est. Ac quidam casus in quibz lex deficiebat remanserint indefiniri quedam eciam ad reprimend op̄ſſionē populi remanserint statuenda; Dominus Rex in parlemento suo post Pascha anno Regni ſui terciodecimo apud Westmonastiū multas op̄ſſiones populi & legū defectus ad ſupplecionem dcoꝝ statutoꝝ apud Glouceſt̄ editoꝝ recitari fecit statuta edidit ut patebit in ſequenti.

Detenementis Inprimis de tenementis que multociens dant' sub condicione videlicet cum alioꝝ dat terram ſuam alicui viro & eius uxori & heredibz de ipis viro & muliere p̄catis adiecta condicione exp̄ſſa tali, qđ si hui'modi vir & mulier ſine herede de ipis viro & muliere procreato obiſſent, terra ſic data ad donatorem vel ad eius heredem refutat'. In caſu eciam cum quis dat tenementū in liberum maritagiū quod donū habet cōdiſōne annexam licet nō exprimat' in Carta doni que talis est qđ si vir & mulier ſine herede de ipis procreato obierint, tē ſic datum ad donatorem vel ad eius herede refutatur. In caſu eciam cum quis dat tenementū alicui & heredibz de corpore

¹ See writ (p. 46) 13th year, commanding obſervance of this statute in Ireland. It was re-enacted for Ireland by statute in a Parliament held in Dublin, 13 Edward II, cap. 2.

13 EDWARD I. A.D. 1285.

THE STATUTES OF WESTMINSTER (THE SECOND).

STATUTES OF THE LORD KING EDWARD, SON OF KING HENRY, MADE AT
WESTMINSTER AT EASTER IN THE THIRTEENTH YEAR OF HIS REIGN.

Whereas of late the lord the King, in the quinzaine of Saint John the Baptist, in the sixth year of his reign, having called together the Prelates, Earls, Barons, and his Council at Gloucester, and considering that divers of his realm were disherited, by reason that in many cases, where remedy should have been applied, there was none provided by his predecessors, or himself, ordained certain statutes, very necessary and profitable for his people, whereby his people, English and Irish, subject to his rule, have obtained more speedy justice in their oppressions, than they had before ; and certain cases, wherein the law failed, remained undetermined, and some things remained to be enacted, to restrain the oppression of the people : the lord the King in his Parliament, held after Easter, in the thirteenth year of his reign at Westminster, caused many oppressions of the people and defaults of the law, for the supplementing of the said statutes made at Gloucester, to be rehearsed, and provided statutes, as shall appear here following.

I. First, concerning tenements that many times are given upon condition, for instance, where anyone gives his land to any man and his wife, and to the heirs begotten of the same man and woman, with such condition expressed that if such man and woman die without heir of the same man and woman begotten, the land so given shall revert to the donor or his heir. In case also where one gives a tenement in frank marriage, which gift has a condition annexed, though it be not expressed in the deed of gift, which is such, that if the husband and wife die without heir begotten of them, the tenement so given shall revert to the donor or his heir. In case also where one gives a tenement to another and the heirs of his body issuing ; it seemed hard, and yet seems, to such donors and

Of tenements given upon condition.

suo exeūtibz durum videbat & adhuc videtur donatoribz
 hui'modi & heredibz donatoz qd voluntas ipoꝝ in donis suis
 exp̄ssa nō fuit prius nec adhuc obſuata. In oīibz ecia
 prēdictis casibz post prolem suscitatam & exeuntē ab ipis
 quibz tēn sic fuit datum condicionaliter hucusq; habuerunt
 hui'modi feoffati potestatem alienandi tēn sic datum &
 exheredandi exitum ipoꝝ contꝝ volutatem donatoz & formam
 in dono suo expressam. Et prēpea cum deficiente exitu de
 hui'modi feoffatis tēn sic datum ad donatorem vel ad eius
 heredes refūti debuit p formam in Carta de dono hui'modi
 exp̄ssam licet exitus si quis fuit obis̄set, p fcm & feoffamentū
 eoꝝ quibz tēn sic fuit datum sub condicione exclusi fūint
 hucusq; de refūsione eoꝝdem tēn quod manifeste fuit contꝝ¹
 formam sui doni pp̄t quod d̄ns Rex pp̄pendens qd ncc'm &
 vtile est in p̄dictis casibz appofie remediu, statuit qd voluntas
 donatoris scdm formam in Carta doni sui manifeste exp̄ssam,
 deceō obſuetur ita qd nō ſeant illi quibz tēn sic fuit datum
 sub condicione potestatem alienandi tēn sic datum q'min'
 ad exitum illoꝝ quibz tēn sic fuit datum remaneat post eoꝝ
 obitum vel ad donatorē vel ad eius heredes si exitus deficiat
 p hoc qd nullus exitus ſic omnino vel si aliq's exitus fuit p
 mortem deficiet herede hui'modi exitus deficiente. Nec ſeant
 decetero scds vir hui'modi mulieris aliquid in tēn ſic dato p
 condiōm post mortē uxoris ſue p legem Angl. Nec
 exitus de scdo viro & muliere ſucessione hereditariam ſet
 ſtatiſm post mortem viri & mulieris quibz tēn ſic fuit datum
 post eoꝝ obitum ad eoꝝ exitum vel ad donatorē vel ad eius
 heredēm vt p̄dictm est refūtat. Et quia in nouo caſu nouū
 remediu est apponend fiat impetranti tale breue. Precipe A.
 qd iuste & reddat B. tale maneriu cum ptin qd C. dedit
 tali viro & tali mulieri & heredibz de ipis viro & muliere
 exeuntibz vel qd C. dedit tali viro in liberum maritagiu
 cum tali muliere & qd post mortem p̄dictoꝝ viri & mulieris
 p̄dicto B. filio p̄dictoꝝ viri & mulieris descendere debet p formam
 donacōis p̄dictae ut dič vel qd C. dedit tali & heredibz de
 corpore ſuo exeuntibz et qd post mortem ipius talis p̄dictoꝝ

their heirs, that their will expressed in their gifts, was not heretofore, nor yet is observed; in all the cases aforesaid, after issue begotten and issuing from them, to whom the tenement was so given conditionally, heretofore such feoffees had power to alien the tenement so given, and to disinherit their issue of the tenement, contrary to the will of the donors, and to the form expressed in the gift. And further, on failure of the issue of such feoffees, the tenement so given ought to return to the donor, or his heirs, by form expressed in the deed of gift, though the issue, if any there were, had died; by the deed and feoffment of those, to whom the tenement was so given upon condition, [the donors] have heretofore been barred of their reversion, which was manifestly repugnant to the form of their gift; wherefore the lord the King, perceiving how necessary and expedient it is to provide remedy in the aforesaid cases, has ordained, that the will of the donor, according to the form in the charter of his gift manifestly expressed, be from henceforth observed; so that they to whom the tenement was given under condition, have no power to alien the tenement so given, but that it remain to the issue of those to whom it was given after their death, or revert to the donor or his heir, if issue fail by reason that there is no issue at all, or if there be any issue it fail by death, the heir of such issue failing. Nor that the second husband of such woman, from henceforth, have any thing in the tenement so given upon condition, after the death of his wife, by the law of England, nor the issue of the second husband and the wife succeed in the inheritance, but immediately after the death of the husband and wife, to whom the tenement was so given, after their death it come to their issue, or revert to the donor, or his heir, as before is said.

And forasmuch as in a new case a new remedy must be provided, let this manner of writ be granted to the party seeking it; *Praecipe A.* Writs of
Formedon in
Descender.

quod juste, &c., reddit B. tale manerium. cum pertinentiis, quod C. dedit tali viro & tali mulieri, & haeredibus de ipsis viro & muliere exentibus (or thus):—*Quod C. dedit tali viro in liberum maritagium cum tali muliere, & quod post mortem praedictorum viri & mulieris, praedicto B. filio praedictorum viri & mulieris descendere debet per formam donationis praedictae, ut dicit, (or thus):—Quod C. dedit tali & haeredibus de corpore suo exentibus, & quod post mortem ipsius talis, praedicto B.*

*In such gifts,
donor's will
shall be
observed.*

B. filio þðci talis descendere debet p formam eccl. Breue p quod donator habet recuperare suū deficiente exitū satis est in usu in Cancellař. Et sciend est qđ hoc statutū quo ad alienačom tenementi contra formam doni imposterū facienda locū habet & ad dona p^{ro} fca nō extendit. Et si finis sup hui'modi teñ imposterū leuet, ipso iure sit nullus nec habent heredes aut illi ad quos spectat refusio, licet plene sint statis in Angl & extra p^{ro}sonam necesse apposie clamiū suū.

De pone ad
peticionem
defendentis.

Quia dñi feodoꝝ distringentes tenentes suos p s^{er} viceis sibi debitibus multociens g^{ener}uantur p hoc qđ tenentes sui districtō suam p bře ut sine bři replegiaſtint ac ipi dñi cū ad querimoniā tenenciū suoꝝ ad Comitatū vel ad aliam Curiam habentem potestatem placitandi placita de vetito namio p attachiamētū veflīt & racionabilem & iustum districtō aduocatiꝝ p hoc qđ tenentes deaduocant nichil tenere nec clamare tenere de eo qui districtō fecit & aduocauit remanet qui distinxit in mīa & tenentes sui quieti quibꝝ p illa deaduocacōne p recordū Comū siue aliaꝝ Curiaꝝ que recordū nō habent pena infligi nō potest, decepō pūisum est & statutū qđ cum hui'modi dñi in Comū ut in hui'modi Curī justiciam de hui'modi tenentibꝝ suis consequi nō possint q^{uia} cito attachiatū fuerint ad sectam tenenciū suoꝝ concedat^r eis breue ad ponendū loquelaṁ coram Justič coram quibꝝ & non alibi iusticia hui'modi dñis exhiberi poſit. Et inseratur causa in breui, Quia talis distinxit in feodo suo p s^{er} uicio & consuetud sibi debitibus nec p istud statutū derogat^r legi cōi vaitate que nō pmisit placitum aliquod poni coram Justič ad petiōem defendantis quia licet prima facie videat^r tenens actor & dñs defendens hīto tamen respectu ad hoc, qđ dñs distingit & seq^r p s^{er} uicio & consuetudine sibi a retro existentibꝝ realiꝝ pocius apparebit actor siue querens q^{uia} defendens. Et vt in d^{icitu}s sint Justič de qua recenti seisina poſit dñi aduocare rōnabilem districtō sup tenentes suos; decepō concordatū est qđ rōnabilis districtō poſit aduocari de seisina antecessorū vel þdecessorū suoꝝ a tēpe quo breue noue dissē currit. C. Et quia aliquando contingit qđ cum tenens postq^{ue} replegiauerit aūia sua

filio praedicti talis descendere debet per formam, &c. The writ whereby the donor has his recovery on failure of issue, is well in use in the Chancery. And it is to be understood that this statute shall hold place as to an alienation of a tenement contrary to the form of the gift hereafter to be made, and shall not extend to gifts made before; and if a fine be levied hereafter upon such tenement, that it be void in the law, ^{A fine shall not bar the heir} nor have the heirs, or they to whom the reversion belongs, though in tail. they be of full age, within England, and out of prison, need to make their claim.

II. Forasmuch as lords of fees distraining their tenants for services due to them, are frequently aggrieved, because their tenants do re-plevy the distress by writ, or without writ; and when the lords themselves, at the complaint of their tenants, shall have come by attachment to the county [court], or to another court, having power to hold pleas of wthernam, and avowed the distress as good and lawful, by reason that the tenants disavow holding anything, nor claim to hold of him who made the distress and avowed it, he that distrained remains amerced, and his tenants go quit; on whom punishment cannot be inflicted for such disavowal by record of the county, or of other courts not having record; it is provided and ordained from henceforth, that where such lords cannot obtain justice in County or such courts against their tenants, as soon as they be attached at the suit of their tenants, a writ be granted to them to remove the plea before the Justices, before whom and not elsewhere, justice may be ministered unto such lords. And that there be inserted in the writ the cause wherefore such a man distrained in his fee for services and customs to him due; nor by this Statute is the common law in use taken away, which did not permit any plea to be moved before justices at the suit of the defendant; for though it appear at first sight that the tenant is plaintiff, and the lord defendant, nevertheless, having respect to this, that the lord distrains, and sues for services and customs in arrear, he will appear rather to be actor, or plaintiff, than defendant. And that the Justices may know upon what fresh seisin the lords may avow the distress reasonable upon their tenants; it is agreed that from henceforth reasonable distress may be avowed upon the seisin of their ancestors or predecessors from the time that the writ of *Novel disseisin* runs. And because it sometimes happens that

*Writ of Fines at
suit of
defendant.*

*A Recordare
to remove the
plaint out of
the County
Court.*

et aitia illa vendit et elongat quominus returnū fieri possit dno
distringenti si adiudicet, pruisum est qd vič aut balliui deceſo
nō recipiant a conquerentib; solūm pleg de psequendo anteq; a
delibacōm faciant de aſiis set eciā de aſiis retornand si
adiudicet returnū. Et si quis alio modo plegios recepit,
respondeat ipē de pcio aſioꝝ et heat dñs distingens recuperare p
bře qd reddat ei tot aitia uel tot catalla. Et si nō heat
ballinus vnde reddat, reddat supior suus. C. Et quid aliquā
contingit qd postq; adiudicatum fuit distingenti returnū aſioꝝ
et sic distictus p'q; aitia sic retornata ifum replegiabit cum
viderit distingente cōpētē in Curia paratum sibi respondere
defaltam fecit; ob q; ifum adiudicabit distingenti returnū
aſioꝝ et sic bis tercio et in infinitū replegiabunt aitia nec
habebūt iudicia Curie dñi Regis in hoc casu effem sup quo
nō fuit prius remediū pruisum; Ordinat' est in hoc casu talis
pcessus qd q; cito adiudicatum fuit distingenti returnū aſioꝝ
p bře de iudicio mandet' vič qd returnū hre faciat distingenti
de aſiis in quo breui qd vič ea nō delibet sine bři in quo fiat
mencio de iudicio p Justiciarios reddito quod fieri nō poſit
nisi p bře quod exeat de rotulis Justiciaꝝ coram quib; deducta
fuerit loquela. Cum igit adierit Justicī et petierit ifum aitia
replegiari, fiat ei hoc bře de iudicio, qd vič capta securitate
de psequend et eciam de aſiis uel catallis retornand uel eoz
pcio si adiudicet' returnū, delibet ei aitia vel catalla prius
retornata et attachiet' ille qui distinxit ad veniendū ad ētum
diem coram Justicī corā quib; placitum deducat' in pſencia
parciū. Et si ifato ille qui replegiabit fecit defaltā vel alia
occasione adiudicet' returnū districtionis iam bis repleg
remaneat districto illa imppetuū irreplegiabilis set si de
nouo et de noua causa fiat districtio de noua districtione ſuet
pcessus sup'ēcā.

De ten. quod fuit ius uxoris amissio per defaltam viri.
In casu quando vir amisit p defaltam tenementū quod fuit
ius uxoris sue durum fuit quod uxor post mortem viri
sui nō huit aliud recuperare q; p bře de recto, p'p
quod dñs Rex statuit qd mulier post mortē viri sui
heat recuperare p bře de ingressu cui ipa in vita sua con-

the tenant, after he has replevied his beasts, sells or cloins them, whereby return cannot be made unto the lord that distrained, if it be adjudged; it is provided, that sheriffs or bailiffs from henceforth not only receive from the plaintiffs pledges to prosecute the suit, before they make deliverance of the beasts, but also for the return of the beasts, if return ^{Pledges to prosecute a} be adjudged. And if any shall have taken pledges otherwise, let ^{Replevin.} him answer for the price of the beasts, and the lord that distrains have his recovery by writ, that he restore to him so many beasts or cattle; and if the bailiff have not whereof to restore, that his superior restore. And forasmuch as it sometimes happens that after the return of the beasts has been adjudged to the distrainor, and the party so distrained, after the beasts are returned, replevies them again, when he shall see the distrainor appearing in court ready to answer him, shall make default, whereby return of the beasts ought to be awarded again unto the distrainor, and so the beasts shall be replevied twice or thrice, and infinitely, and the judgments of the King's Court shall have no effect in this case, upon which there was no remedy provided; in this case such process is ordained, that so soon as return of the beasts shall be awarded to the distrainor, the sheriff be commanded by a writ of judgment to make return of the beasts to the distrainor; in which writ it shall be expressed, that the sheriff deliver them not without writ, in which mention is made of the judgment given by the justices, which cannot be done except by a writ which may issue out of the rolls of the justices before whom the plea was moved. Therefore when he comes to the justices, and ^{Writ of second delivery.} desires replevin of his beasts again, that he have a writ of judgment that the sheriff taking surety for the prosecution, and also of the beasts or chattels to be returned, or the price of them, if return be awarded, deliver to him the beasts or chattels before returned, and that the distrainor be attached to come at a certain day before the Justices, before whom the plea was moved, in presence of the parties; and if he who replevied make default again, or for another cause return of the ^{Distress irrepleviable.} distress be awarded, being now twice replevied, that distress remain for ever irrepleviable; but if a distress be taken anew, and for a new cause, that the process abovesaid be observed in the new distress.

III. In case when a man lost by default the tenement which ^{Of a tenement} was the right of his wife, it was hard that the wife, after the ^{which was the} death of her husband, had no other recovery but by a ^{wife's right} writ ^{lost by default} of the husband, of right; wherefore the lord the King has ordained, that a woman, after the death of her husband, have recovery by a writ of entry,

tradicē nō potuit qd in forma p̄dca erit placitand si cont^a petīcom mulieris tenens excipiat qd huit ingrm p iudiciū & compto qd p defaltam ad quod tenens nōcē habet respondere si ab eo querat^r tūc nōcē habet ulpius ostend^e ius suū scdm formam breuis quod prius impet^{uit} sup virum & vxorem. Et si verificare poterit qd ius habet in tenemento petito nichil capiat mulier p b̄c suū quod si ostend^e nō poft, recuperet mulier tēn petitum hoc obſtato qd si vir absentiaſit se & noluit ius uxoris sue defendere vel inuita uxore reddere voluerit, si uxor ante iudiciū venerit parata petenti respondere & ius suū defendere admittat^r uxor. Eodem modo si tenens in dotem p legem Angl vel aliter ad P̄minū vite vel p donū in quo reseruat^r refusio fecit defaltam vel reddere voluerit admittant^r heredes & illi ad quos spectat refusio ad responsionē si veflīnt ante iudiciū. Et si sup defaltam vel reddicōm reddatur iudiciū tūc hēant heredes & illi ad quos spectat refusio post mortē hui^rmodi tanēciū recupe p b̄c de ingressu in quo ſuet^r idem pcessus sicut dcm est sup^a in casu vbi vir amittit p defaltam tenementū uxorū & sic in casibz pdcis due concurrūt actiones vna inf^a petentē & tenentē & alia inf^a petentē¹ ius suū ostendentē & petentem. In casu quando vir implacitat^r de tenemento reddit tēn petitū adſſario suo de plano post mortem viri Justic adiudicant mulieri dotem suam, si p breue petat set in casu quando vir amittit tēn petitū p defaltam, si mulier post mortē viri sui petat dotem comptū est qd p aliquos Justic adiudicata fuit dos mulieri petenti nō obſtante defalta quā vir suus fecit coram alii Justic in cont^aria oppinione existentibz & cont^ariū iudicantibz. Vt de ceſo hui^rmodi ambiguitas amputetur sic in cto ordinatū est qd in vt^oq^a casu audiat^r mulier qui dotem petit. Et si excipiat^r cont^a ipam qd vir ipius tēn vnde dos petita est amisit p iudiciū p quod dotem h̄re nō debet. Et si querat^r p quod iudiciū & comptū fuit qd p defaltam ad quod tenens

¹ Tenement in Statute Roll, England.

whereto she could not disagree during his life, which shall be pleaded in form aforesaid: if the tenant do except against the demand of the wife, that he had entry by judgment, and it be found by default, whereto the tenant of necessity must make answer, if it be demanded of him, then it is necessary for him further to show his right according to the form of the writ that he purchased before against the husband and the wife. And if he can verify that he has right in the tenement demanded, the woman shall take nothing by her writ; which, if he cannot show, the woman shall recover the tenement in demand; this being observed, that if the husband absented himself, and would not defend his wife's right, or against his wife's consent wished to render it, if the wife came before judgment, ready to answer the demandant, and to defend her right, that the wife be admitted. Likewise if tenant in dower, by the law of England, or otherwise for term of life, or by gift, in which the reversion is reserved, made default, or wished to surrender, the heirs, and they to whom the reversion belongs be admitted to their answer if they shall have come before judgment; and if upon such default, or surrender, judgment be given, that then the heirs, and they unto whom the reversion belongs after the death of such tenants, have their recovery by a writ of entry, in which like process shall be observed as is aforesaid, in case where the husband by default loses his wife's tenement; and so in the cases aforesaid two actions do concur, one between the demandant and tenant, and another between the tenant showing his right, and the demandant.

IV. In case where the husband, being impleaded for a tenement, too easily gives up the tenement demanded to his adversary; after the death of the husband, the justices award the wife her dower, if she demand it by writ; but in case where the husband loses the tenement in demand by default, if the wife, after the death of her husband, demand her dower, it has been found, that some justices have awarded unto the woman her dower notwithstanding the default which her husband made, other justices being of the contrary opinion, and judging to the contrary; that from henceforth such ambiguity may be taken away, it is thus ordained for certain, that in both cases the woman demanding her dower be heard; and if it be alleged against her, that her husband lost the tenement, whereof the dower is demanded, by judgment, whereby she ought not to have dower, and if it be enquired by what judgment, and it be found that it was by default, whereunto the

*Wife endow-
able of land
recovered
against her
husband by
default.*

nccc habet respondere tuc oportet tenentc vltius respondere & ostendere qd ipse tenens ius habuit & habet in pdco tec scdm formā b̄ris quod pi sup virum impetravit. Et si ostendere poscit qd vir mulieris nō habuit ius in tec nec aliquis alias qd ipse qui tenet tuc recedat quiet & vxor nichil capiat de dote quod si ostendere nō poscit, recuperet mulier dotem suam. Et sic in casibz istis & in quibzdam sequentibz, scilicet quando vxor dotata amittit dotem p defaltam & tenetes in maritagiū p legem Angl & ad Fminū vite & feedū talliatū cōcurrūt plures actiones quia hui'modi tenentes cum opteat eos pfe tec sua p defaltam amissa, & ad hoc puentum ffit qd tenens necesse habet ostendere ius suū nō possit ipi sine h̄is ad quos spectat reūsio de iure respondere & ideo concedit' eis qd vocent ad Warantū ac si essent tenentes si Warantum h̄eant & cū Warantus Warantizadit, pcedat placitum in' illum qui seisitus est & Warantū scdm tenore breuis quod tenens prius impetravit & p quod recuperavit p defaltam & sic ex pluribz actionibz ad vltimū puenietur ad vnum iudiciū videlicet ad hoc qd hui'modi petentes recuperent peticionem suam vel qd tenentes eant quieti. Et si actio hui'modi tenentis qui nccc habet ostendere ius suum mota ffit p b̄re de recto licet magna assisa vel duellum iungi non possunt p verba consueta, iungi tam possunt p verba satis apta, quia cū tenentes in hoc qd ostendunt ius suū quod competit eis p b̄re quod prius impetravit sic loco actoris bene poscit Warant' defendere ius tenentis qui loco petentis vt dcm est habetur & seisinam antecessoris sui & offerre & defendere p corpus liberi hominis sui vel posse se in magnam assisam & pfe recognicōm fieri vtrum ipse maius ius h̄eat in teneñto petito, an pdcs talis vel alio modo poscit iugi magna assisa sic, Talis Warant' defed' ius ec, & cognoscit seisinam antecessoris sui & ponit se in magnam assisam & petit recognicōm fieri vtrum ipse maius ius h̄eat in tec pdco vt in illo de quo feoffavit talē vel qd talis remisit & quietū clamauit ec an pdcs talis.

De muliere
dotem petente
super
custodem.

Cvm aliquando contingat qd mulier nō habens ius petendi
dotem herede alicui' infra etatem existente impetrat b̄re de

tenant must answer ; then it behoves the tenant to answer further, and to show that he had right, and has, in the aforesaid tenement, according to the form of the writ that he purchased before against the husband. And if he can show that the husband of the wife had not right in the tenement, nor any other than he who holds it, that the tenant go quit, and the wife recover nothing of her dower ; which thing if he cannot show, that the wife recover her dower.

And so in these cases, and in certain others following, that is to say, when the wife being endowed loses her dower by default, and tenants in marriage, by the law of England, or for term of life, or in fee-tail, divers actions concur ; for such tenants, when they ought to demand their tenements lost by default, and when it is come to this that the tenant is compelled to show his right, they cannot make answer without those to whom the reversion of right belongs ; therefore it is granted unto them to vouch to warranty, as if they were tenants, if they have a warranty. And when the warrantor has warranted, that the plea pass between him who is seised and the warrantor, according to the tenor of the writ that the tenant purchased before, and by which he recovered by default ; and so from many actions it comes at length to one judgment, which is this, that such demandants recover their demand, or that the tenants go quit. And if the action of such a tenant, who is compelled to show his right, be moved by a writ of right, though the great assise or duel cannot be joined by the words accustomed, yet they may be joined by words convenient : for when the tenants, in that they show their right which belongs to them, by the writ that they before purchased, [are] so in place of plaintiff, the warrantor may well defend the right of the tenant, who is accounted in place of the demandant as before is said, and offer to defend the seisin of his ancestor by the body of his freeman, or put himself upon the great assise, and pray recognition to be made, whether he have more right in the tenement demanded, or the party before named ; or otherwise the great assise may be joined thus : *Talis warrantus defendit jus, &c., et cognoscit seisinam antecessoris sui et ponit se in magnum assisam, et petit recognitionem fieri utrum ipse majus jus habeat in tenemento praedicto ut in illo de quo seoffrant talis, vel quod talis remisit et quietum clamavit, &c., an praedictus talis.*

And where sometimes it happens that a woman, not having right to demand dower, the heir being under age, purchases a writ of dower

Of a woman demanding dower against a guardian.

dote sup custodem et custos p fauorē mulierē dotem reddiderit vel defaltam fecit vel placitū inf⁹ eos ita ficte p collusionē defendant p quod dos mulieri hui⁹modi in puidiciū heredis adiudicata fuerit; prouisum est qd heres cum ad etatem puefit heat actionem petendi seisinam antecessoris sui uersus hui⁹modi mulierem qualem hret ūsus alium quēcūq deforcitorē. Ita tñ qd salua sit mulieri ūsus petente excepcio ostendendi qd ius heat in dote sua quod si ostendere poſit recedat quieta & dotem suam retineat & sit heres in mā & afficit g⁹uit⁹ scdm discrecōm Justic⁹, sin autē recuperet heres petiōm suam. C. Eodem modo ūt mulieri si heres vel alius eam implacataſit de dote sua si dotem suam p defaltam amiserit in quo casu sua defalta nō sit ei ita pjudicialis quia dotem suam si ius heat recuperare possit & fiat ei tale breue. Precipe A. qd iuste &c, reddat tali que fuit vxor talis tantam terram cum ptiñ in tali villa quā clam̄ esse racionabilem dotem suam vel de racionabili dote sua et quā pdc̄s talis ei deforc̄. C. Et ad istud b̄re heat tenens excep̄om suam ostendendo qd ius nō habet in dote, quod si verificare poſit, recedat quietus. Alioquin recuperet mulier tñ quod prius tenuit in dotem. Et cum tempib⁹ retroactis aliquis amisisset p̄rā suam p defaltam nō ūt aliud recuperare qd p b̄re de recto quod eis compētē nō potuit qui de mero iure loqui nō poſunt veluti tenentes ad p̄minū vite vt p liberum maritagiū vel p feodum talliatum in quib⁹ casib⁹ saluat⁹ rediſio; prouisum est qd decep̄o nō sit eoꝝ defalta eis ita pjudicialis quin statum suū si i⁹ heat recuperare possint p aliud b̄re qd p b̄re de recto.

De terra
amissa per
defaltam.

De maritagio
amisso per
defaltam.

De aduocacione ecclesiastica originalia videt b̄re de r̄to & duo de possessione scilicet

C. De maritagio amisso p defaltam, fiat b̄re tale. Precipe A. quod iuste &c reddat B. maneriū tale cū ptiñ quod clam̄ esse ius & maritagio suū & quod pdc̄s talis ei iniuste deforc̄. Eodem modo de tenemento tento ad p̄minū vite p defaltā amisso fiat breue. Precipe tali qd iuste &c reddat tali manū &c quod clam̄ tenere ad p̄minū vite sue & qd talis ei iniuste &c simili⁹ qd clam̄ tenere sibi & heredibus suis de corpore suo exeuntib⁹ et quod talis ei iniuste &c.

Cvm de aduocacionib⁹ eccl̄az nō sint nisi tria brevia

rum.

De dote
amissa per
defaltam.

against a guardian, and the guardian shall restore the dower of the woman by favour, or shall make default, or by collusion defend the plea so faintly, whereby the woman shall be awarded her dower in prejudice of the heir: it is provided, that the heir, when he shall come to age, have an action to demand the seisin of his ancestor against such a woman, as he should have against any other deforceor; yet so, that the woman have her exception saved against the defendant, to show that she have right to her dower, which if she can show, that she go quit and retain her dower, and the heir be in mercy and be heavily amerced, according to the discretion of the justices; and if not, that the heir recover his demand, &c.

In like manner that the woman be protected, if the heir or any other implead her for her dower, if she lose her dower by default, in which case her default shall not be so prejudicial to her, but that she recover her dower, if she have right, and that she have this writ: *Praecipe A. quod juste, &c., reddat tali quae fuit uxor talis tantam terram cum pertinentiis in tali villa quam clamat esse racionabilem dolem suam, vel de racionabili dote sua, et quam praedictus talis ei deforceat.* And to this writ that the tenant have his exception, to show that she had no right in the dower; which if he can verify, he shall go quit; if not, that the woman recover the tenement which before she had in dower.

And when in times past, anyone had lost his land by default, he had no other recovery than by a writ of right, which was not competent to those who could not claim of mere right, as tenants for term of life, in frank marriage, or in fee-tail, in which cases a reversion is reserved; it is provided, that from henceforth their default be not so prejudicial, but that they may recover their estate by another writ than by a writ of right, if they have right.

For land in frank marriage, lost by default, such a writ shall be made: *Of marriage lost by —Praecipe A. quod juste, &c., reddat B. manerium tale cum pertinentiis, default.* *quod clamat esse jus et maritagium suum, et quod praedictus talis ei injuste deforceat.* Likewise of a tenement held for term of life, lost by default, *For tenant this writ shall be made: —Praecipe tali quod juste, &c., reddat tali manerium, &c., quod clamat tenere ad terminum vitae suae, et quod talis ei injuste, &c.;* likewise *quod clamat tenere sibi, et haeredibus suis de corpore suo exentiibus, et quod talis ei injuste, &c.* *For tenant in tail.*

V. Whereas of advowsons of churches there are but three original writs, *Of advowson of churches.* that is to say, the writ of right, and two of possession, namely, *darrein*

vltima p̄sentacionis & quare impedit & hucusq; v̄sitatum
 fuerit in regno q̄d cum aliquis ius nō habens p̄sentandi
 p̄sentavit ad aliquā ecclā cuius p̄sentatus sic admissus ipe
 qui verus est patronus p nullū aliud b̄rē recuperare potuit
 aduocacōm suam q̄d p b̄rē de recto quod habet p̄minari p
 duellum vel p magnam ass̄m p quod heredes infra etatem
 existentes p fraudem & negligēciā custodum heredes eciam
 siue maiores siue minores p negligenciam vel p fraudē tenēciū
 p legem Angl vel mulierū tenenciū in dotem vel alio
 modo ad p̄minū vite vel annoz vel p feodum talliatum
 multociens exheredaçō paciebant̄ de aduocacōibz suis vel
 ad minus q̄d melius eis fuit ponebant̄ ad b̄rē de recto & in
 casu oīnimo exheredati extifint hueusq; statutum est q̄d
 hui'modi p̄sentaciones nō sint hui'modi rectis heredibz aut
 illis ad quos post mortem aliquoꝝ hui'modi aduocaciones
 refūti debent ita p̄iudiciales quin quocienscūq; aliquis ius
 nō habens tempe hui'modi custodiaꝝ p̄sentavit, vel tempore
 tenenciū in dotem vel p legem Angl vel alio modo ad p̄minū
 vite v̄l annoz vel p feodum talliatum in p̄xia vacaçōne postq;̄
 heres ad etatem p̄uenit vel aduocacō post mortē in forma
 p̄d̄ca tenenciū ad heredem plene etatis existēt̄;
 habeat eandem actionem & excepçōm p b̄rē de aduocacione
 possessoriū qualē h̄ret vltimus antecessor hui'modi heredis
 plenam habens etatem in vltima vacacione tempe suo acci-
 dentem ante mortem suam vel añaꝝ dimissio f̄ca fuit ad
 p̄minū vel ad feodū talliatum vt p̄d̄cm est. hoc idem ob&uetur
 de p̄sentacionibz f̄cis ad ecclias de hereditate uxoz tempore
 quo fuerint sub potestate viroꝝ suoꝝ quibz p istud statutū
 subueniat̄ p remedī suprad̄cm viris eciam religiosis Epis
 Archidiis rectoribus ecclāz & aliis psonis ecclasticis p illud
 idem statutum subueniat̄. Si aliquis ius nō h̄ns p̄sentandi
 p̄sentavit ad ecclās domibz suis p̄acie dignitati aut psonatui
 spectantes ipe quo vacaūint p̄acie dignitates aut psonatus
 hui'modi. Nec tamen ita large intelligat̄ istud statutū
 q̄d p̄sone ad quaꝝ remedī statutū istud est editū h̄eant
 recuperare suum supad̄cm dicentes q̄d custodes tenentes in

presentment, and quare impedit; and hitherto it has been used in the realm, that when any not having right to present, had presented to any church, whose presentee so being admitted, he who is true patron could recover his advowson by no other writ than by a writ of right, which has to be determined by the duel or by the great assize, whereby heirs under age, by fraud, and by negligence of their guardians, and heirs whether of full age or under age, by negligence or fraud of tenants by the law of England, women tenants in dower, or otherwise for term of life, or years, or in fee-tail, many times suffered disinheritance of their advowsons, or at least, which was the better for them, were put to their writ of right, and in that case hitherto they were utterly disinherited: it is provided, that such presentations be not so prejudicial to the right heirs, or to those to whom such advowsons ought to revert after the death of any persons: for as often as any man not having right, shall have presented during the time that such heirs are in ward, or during the estates of tenants in dower, by the law of England, or otherwise for term of life, or of years, or in tail, at the next avoidance, when the heir shall have come to age, or when after the death of the tenants in form aforesaid, the advowson revert to the heir being of full age, that he shall have such action Writ of
Advowson
possessory. and exception by possessory writ of advowson, as the last ancestor of such an heir, being of full age, should have had at the last avoidance in his time, happening before his death, or before the demise was made for term of life, or in fee-tail, as is aforesaid. The same shall be observed of presentations made to churches, of the inheritance of wives, while they were under the power of their husbands, to whom aid may be given by this statute by the remedy aforesaid. Also that men of religion, bishops, archdeacons, rectors of churches, and other ecclesiastical persons, be aided by this statute, if any not having right of presentation shall have presented to churches, belonging to their houses, prelacy, dignity, or parsonage, while such prelacies, dignities, or parsonages have been vacant.

Neither shall this statute be so largely understood, that persons, for whose remedy this statute was ordained, have their recovery afore-

dotem p legem Angl vel alias ad finū vite vel annoꝝ vel
 viri facte defenderunt placitum p ipos vel cont^a ipos motū
 quia iudicia in Curia Regis redditā p istud statutū nō adni-
 chilent^r set stet iudiciū in suo robore q^ousq^a p iudiciū Curie
 Regis tamq^a erroniū si error inueniat^r, adnullet^r vel assis^a ultie
 p^osentacionis vel inquisicio p b^re quare impedit si t^unsierit
 p attinctam vel c^tifica^conem adnullet^r que gratis concedat^r.
 Et dece^ro vna forma placitandi in breuib^z vltime p^osentacionis & quare impedit inf^r Justi^c ob^rnet^r quo ad hoc q^d si
 pars rea excipiat de plenitudine ecclie p suam ppriam
 p^osentacōm, nō pp^l illam plenitudinē remaneat loquela
 dūmodo breue infra semeatre temp^r impetrat^r q^dq^a infra
 infra semeatre temp^r p^osentacio recuperi nō possit. Et cum
 aliquⁿ inf^r clamantes plures aduoca^com alicui^r ecclie pax fuit
 formata inf^r partes & inrotulata coram Justi^c in rotulo vel in
 fine sub hac forma q^d vnum primo p^osentet et in sequenti
 vacacione aliis, & in f^cia f^cius et sic de plurib^z si plures sint.
 Et cum vnum p^osentauit & habuit suam p^osentacōm quam h̄re
 debet p formam illius conuencionis et in p^xia vacacione
 impedit^r ille ad quē spectat sequēs p^osentacio impedit^r p
 aliquē qui fuit pars illius conuencionis vel loco eius; statutū
 est q^d dece^ro nō heat hui^rmodi impedit^r necesse p^rquirere b^re
 quare impedit set heat recursum ad rotulum vel ad finem et si
 in rotulo vel in fine compta fuit pd̄ca pax vel conuencio, man-
 detur vi^c q^d scire faciat parti impidenti q^d sit ad aliquē breuē
 diem continētē spacium quindecim dieꝝ vel triū septimanaꝝ
 scdm q^d locus est ppinquus vel remotus ostens^r si quid sciat
 dicē quare talis p^osentacōm suam habere nō debeat. Et si nō
 venerit vel forte vedit nichil sciat dicē quare sic impedit^r
 p^osentacōm suam habē nō debeat racione alicui^r f^ci post
 pacem irrotulatam vel cirog^rphatam recuperet p^osentacionem
 suam cum dampnis suis. Et cū contingat q^d post mortem
 aⁿcessorū qui ad aliquam eccl^a p^osentauit assignata fuit illa
 aduocacio in dotem alicui^r mulieris vel teneatur p legem
 Angl & tenentes in dotem vel p legem Angl p^osentauit & verus
 heres p^t mortem hui^rmodi tenenciū p legem vel in dotem

said, asserting that guardians, tenants in dower, by the law of England, or otherwise for term of life, or of years, or husbands, have faintly defended pleas moved by them, or against them; because the judgments given in the King's Court are not annulled by this statute, but the judgment is to stand in its force, until it be reversed by judgment of the King's Court as erroneous, if error be found; or assise of *darrein presentment*, or inquest by a writ of *quare impedit*, if it be passed, be annulled by attaint, or certification, which may be freely granted. And that from henceforth one form of pleading be observed among justices in writs of *darrein presentment* and *quare impedit*, in this respect, if the defendant alleges plenalty of the church by his own presentation, that the plea be not delayed by reason of the plenalty; provided that the writ be purchased within six months, though he cannot recover his presentation within the six months. And sometimes when an agreement shall have been made between many claiming the advowson of any church, and inrolled before the justices in the roll, or by fine, in this form, that one shall present the first time, and at the next avoidance another, and the third time a third; and so of many, in case there be many: and when one shall have presented, and had his presentation, which he ought to have, according to the form of their agreement, and at the next avoidance he to whom the succeeding presentation belongs, is disturbed by any who was party to the said agreement, or by some other in his stead; it is provided, that from henceforth he who is so disturbed have no need to sue a writ of *quare impedit*, but that they resort to the roll or fine; and if the said concord or agreement be found in the roll or fine, then that the sheriff be commanded that he notify to the disturber, that he be ready at some short day, containing the space of fifteen days, or three weeks, as the place happens to be near or far, to show if he can allege any thing, wherefore such party ought not to have his presentation. And if he come not, or peradventure come, and can allege nothing to bar the party of his presentation, by reason of any thing done since the agreement was enrolled or written, that he recover his presentation with his damages. And where it happens that after the death of the ancestor who presented to a church, the same advowson shall have been assigned in the dower of any woman, or be held by the law of England, and the tenants in dower or by the law of England shall have presented, and after the death of such tenants by the law of

Judgments shall stand good until reversed.

Plenalty not to be pleaded if Writ purchased within six months.

Presentation by turns under an agreement.

Remedy for disturbance.

Remedy for disturbance of presentation after a particular estate ended.

impedit^r p̄sentare cū eccl̄ia vacaſit, p̄uisum est q̄d deceſo sit in electione impediti vtrū p̄quirere velit p̄ b̄re quare impedit^r vel vltime presentaſcois. Hoc eciam obſuetur de aduocacōibz dimiſis ad P̄minū vite v̄t annoz vel ad feodum talliatum. Et deceſo in b̄ribz vltime p̄ſentacionis & quare impedit adiudicent^r dampna videit si tempus semestre t̄nsierit p̄ impedimentū alicuius. Ita q̄d Eps eccl̄am conferat & verus patronus ea vice p̄ſentacōm suam amittat adiudicent^r dampna ad valorem eccl̄ie de duobz annis. Et si temp' nō t̄nsierit set diſronet^r p̄ſentacio infra tempus p̄dcm tūc adiudicent^r dampna ad valorem medietatis eccl̄e p̄ annū. Et si impeditoR nichil heat vnde restitūe possit dampna in casu quando Eps confert p̄ lapsum temporis puniat^r p̄ p̄sonam duoz annoz. Et si aduocacio diſronetur infra temp' semestre, puniat^r tamen impeditoR p̄ p̄sonam dimidii anni. Et decetero concedant^r brevia de capellis p̄bendis vicariis hospitalibz Abbatibz Prioratibus & aliis domibz que sunt de aduocacionibz aliquoꝝ que prius concedi nō consueſunt. Et cum p̄ breue Indicauit impedit^r rector alicui^r eccl̄ie ad petend decimas in vicina pochia heat patronus rectoris sic impediti b̄re ad petend actionem decimaꝝ petitaꝝ et cū diſronaſit, p̄cedat placitum postmodum in Curia xp̄ianitatis quatenus diſronatū fuit in Cuſ Regis. Cum aduocacio descendit participibz licet vnuſ bis p̄ſentet & bis vſurpet sup coheredem nō pp̄ hoc exclusus sit ille in toto qui fuit negligens s̄z alias heat turnū suū p̄ſentandi cum acciderit.

De Waranto
vocato per
implacitatum.

Cvm quis petat tenementū ſus alium & implitat^r vocaſit ad Warantū & Warātus dedicat Warantiam & diu pendeat placitum in^r tenentē & Warantū cū ad vltimū conuincat^r q̄d vocat^r ad Warantū Warantizare tenet^r p̄ legem & consuetudinē hactenus vſitatam, nō fuit alia pena infiſta vocato qui Warantizare dedixit niſi tantū q̄d Warantizaret & esſet in mia quia prius nō Warantizauit quod durum fuit petenti qui multociens p̄ collusionem in^r tenentem & Warantū magnas sustinuit dilaciones, pp̄ q̄d statuit dñs Rex q̄d ſicut tenens amittet tenementū petitū si vocasset ad Warantum

England or in dower, the true heir is disturbed in presenting when the church shall have been void, it is provided, that from henceforth it be in the election of the party disturbed, whether he will sue by writ of *quare impedit*, or of *darrein presentment*. The same shall be observed in advowsons demised for term of life, or years, or in fee-tail.

And from henceforth, in writs of *darrein presentment* and *quare impedit*, Damages in
Quare Impedit
and *Darrein
Presentment*. damages be awarded, that is to say, if the period of six months shall have passed by the disturbance of any, so that the Bishop confer the church, and the true patron lose his presentation for that time, that damages be adjudged to two years' value of the church. And if the six months be not passed, but the presentment be deraigned within the said time, then damages be adjudged to the half-year's value of the church. And if the disturber have not whereof he can recompence damages, in case where the Bishop confers by lapse of time, he shall be punished by two years' imprisonment: and if the advowson be deraigned within the six months, yet that the disturber be punished by imprisonment of half a year.

And from henceforth that writs be granted of chapels, prebends, Writs for
chapels,
prebends,
vicarages, &c. vicarages, hospitals, abbeys, priories, and other houses which are of the advowsons of any, that have not before been used to be granted. And when by a writ of *Indicavit*, the rector of any church is hindered in demanding tithes in the next parish, that the patron of the rector so hindered have a writ to demand the action of the tithes demanded, and when it is deraigned, then that the plea proceed in a court Christian as far as it was deraigned in the King's court. When an *Usurpation by
one parsoner
on another*. advowson descends to parsoners, although one present twice, and usurp upon the coheir, he that was negligent shall not be totally barred, on this account, but another time shall have his turn to present when it happens.

VI. When anyone demands a tenement against another, and the party that is impleaded vouches to warranty, and the warrantor denies the warranty, and the plea long pends between the tenant and the warrantor; and at length, when it is proved that the vouchee is bound to warranty, by the law and custom hitherto used, there was no other punishment assigned for the vouchee who denied his warranty, but only that he should warrant and should be amerced, because he did not warrant before; which was prejudicial to the defendant, who suffered oftentimes great delays by collusion between the tenant and the warrantor; wherefore the lord the King has ordained that like as the tenant should lose the tenement demanded, if he vouched to

¶ Warantus se posset deuolde a Warantia eodem modo amittat Warant' si Warantiam dedicat & conuincatur qd Warantizare debeat. Et si inquisicio pendeat inf tenentē & Warantū & petens petat breue ad faciendū venire Juratam, concedatur ei.

De admensuracione dotis
concessa
Custodi per
Breue.

Custodi deceulo concedat' breue de amensuracione dotis nec p sectam custodi si ficta et p collusionem sequatur versus mulierem tenentem in dotem precludat' heres cum ad etatem puefit ad dotem mensurandū scdm p legem pre fuit amensuranda et ē in isto breui q^u in bri de amensuracione pasture celerior q^u prius deceulo sit processus ita qd cum puentum fuerit ad magnam discrecō dent' dies infra quos duo Comitatus teneant' ad quos publica fiat placatio qd defendens veniat ad diem in bri contentū querenti responsi, ad quē diem si venit, peedat placitum inf eos et si nō venit, & placatio supradō meo¹ p viē testificata fuerit peedat' p defaltam ad amensuracionem faciendam.

De admensuracione
pasture
per Breue.

Cvm p placitum motum p breue de amensuracione pasture pastura fuit amensurata aliquando coram Justic² aliquando in Comitatu multociens contingat qd post hui'modi amensuracōm fcam il'um ponat ille qui prius supofiauit pasturam illam plura aitia q^u ad ipm ptnet habend nec hucusq puisum fuissest remediū; statutū est q^u de supofiaōne scda fiat remediū conquerenti sub hac forma qd conquerens heat bri de iudicio si coram Justic amensurata fuit pastura qd viē in pseancia parciū p'munitaz si infesse voluerint inquirant de scda supofiaōne que si inuenta fuit, mandetur Justic sub sigillo viē & sigillis Ju. Et Justic adiudicent conquerēti dampna & ponant in extractis valorem animaliū que supofians post admensuracōm fcam posuit in pastura vltra quod debuit & extractas libent Baronū² de sccio vt inde respondeant dno Regi. Si in Comitatu fca fuit admensuracio, tūc ad instantiam querentis exeat breue de Cancellaria qd inquirat

¹ So in MS. for modo.

² So in MS. for Baronbus.

warranty, and the warrantor could discharge himself of the warranty, in the same way that the warrantor lose if he denies his warranty, and it be proved that he is bound to warrant. And if an inquest be depending between the tenant and the warrantor, and the demandant ^{Ventre factus} at demandant's request. require a writ to cause the jury to come, it be granted him.

VII. A writ of *admeasurement of dower* shall be from henceforth granted to a guardian; neither shall the heir, when he shall have come to age, be barred by the suit of a guardian, who may sue against the tenant in dower feignedly, and by collusion, but that he may admeasure the dower, as it ought to be admeasured by the law of the land. And as well in this writ, as in a writ of *admeasurement of pasture* there be more speedy process than has been used hitherto; so that when it shall have come to the great distress, days shall be given, within which two county [courts] may be held, at which public proclamation be made, that the defendant come in at the day contained in the writ, to answer to the plaintiff; at which day, if he shall come, that the plea proceed between them; and if he come not, and the proclamation shall be testified by the sheriff in manner aforesaid, that upon default they proceed to make admeasurement.

VIII. Whereas by a plea moved upon a writ of *admeasurement of pasture*, the pasture has been admeasured sometimes before the justices, sometimes before the sheriff in the county [court] it often happens that after such admeasurement made, he who first overcharged the pasture again places more beasts on it than he ought to keep, nor has any remedy been hitherto provided; it is ordained, that upon the second overcharge, remedy be made to the plaintiff in this manner; if the pasture were admeasured before the justices, that the plaintiff have a writ of judgment, that the sheriff in presence of the parties being summoned, if they wish to be present, inquire of the second overcharge; which if it shall be found, it be returned to the justices, under the seal of the sheriff, and the seals of the jurors; and the justices adjudge damages to the plaintiff, and put in the estreats the value of the beasts which the overcharger placed, beyond what he ought, in the pasture after such admeasurement made, and deliver the estreats to the Barons of the Exchequer, that they may thereof answer to the lord the King. If such admeasurement shall be made in the county [court], then, at the request of the plaintiff, that a writ issue out of chancery, that the sheriff inquire of such overcharge; and for

sup hui'modi supoflaçoe. Et de aliis positis in pastura vltra debitū nummū vel de þcio dno Regi ad sc'cm respondeat. Et ne vicecom̄ fraudem faciant dno Regi in isto casu, concordatū est qd om̄ia hui'modi breuia de sc̄da supoflaçone que exeunt de Cancellař irrotulentur et in fine anni mittat' t'nsc'ptum ad sc'cm sub sigillo Cancellař vt videant Theſ & Baroň de sc̄cio quali' vič respondebūt de exitibz hui'modi breuiū. Eode modo irrotulent' breuia de redisseis' & mittant' ad sc'cm in fine anni.

De medio.

Cvm capitales dñi dist'ngant feodum suū p ſuiciis & consuetudinibz s' debitis et medius sit qui tenentē acquietare debet cum nō iaceat in ore tenentis p't p'mā dist'ccōm replegiasit dedicē demandam Capitali dñi qui aduocat in Curia dñi Regi iustum districcōm sup tenentē suū videat sup mediū multi p hui'modi districtiones hucusq; grauati extiterint p hoc qd medius licet hret p quod dist'ngi posset magnas fecerunt dilaciones ainq; ad Curiam veflunt ad respondend hui'modi tenentibz suis ad breue de medio, p hoc eciam qd durus fuit in casu quando medius nich habuit in casu eciam quando si tenens paratus esse face Capitali dno ſuic & consuetudies exactas et capitalis dñs ſuicia & consuetudies sibi debitas renuebat recipe p manum alterius q; p manum pximi tenentis sui & sic amiserūt hui'modi tenentes in dñico pſicuū terraꝝ suaꝝ, aliquando ad tempus aliqñ toto tempore suo, nō fuit antea aliquod remediu iu hoc casu puisum; ordinatum est & puisum in hoc casu remedium imposterum sub hac forma q; cito hui'modi tenens in dñico habens mediū in' ipm & capitalem dñm distringit' statim pquirat sibi tenens breue de medio. Et si medius habens terram in eodem Com̄ defugit vsq; ad magnam districcōm detur querenti i bři suo de magna districtione talis dies ante cui' aduentū duo Com̄ teneant' et þcipiatur vič qd distringat mediū p magnam districtōm p'ut in bři continet'. Et nōm' vič in duobz plenis Comitatibz solemn' proclamari faciat qd hui'modi medi' veniat ad diem in breui contentū responsur' tenenti suo. Ad quem diem si vefit, pcedat placitū in' eos modo consueto; et si

the beasts put into the pasture beyond the due number, or for the value of them, let him answer to the lord the King at his Exchequer. And lest the sheriffs may defraud the lord the King in this case, it is agreed, that all such writs *De secunda superonerations* that issue out of chan-
cery, be inrolled, and at the end of the year a transcript be sent *superonerations* into the Exchequer under the Chancellor's seal, that the Treasurer and Barons of the Exchequer may see how the sheriffs shall answer of the issues of such writs; in the same way, writs of *redissentia* shall be ^{Also writs of} *re-dissentia*. inrolled and sent into the Exchequer at the end of the year.

IX. When chief lords distrain in their fee for services and customs to ^{Of the mesne.} them due, and there is a mesne who ought to acquit the tenant, since it lies not in the mouth of the tenant, after he shall have replevied the first distress, to deny the demand of the chief lord, who avows in the lord the King's court, that the distress is lawfully taken upon his tenant, namely, upon the mesne; many have been hitherto oppressed by such distresses, inasmuch as the mesne, notwithstanding that he have whereby he may be distrained, made long delays before he came into the court to answer to such his tenants to the writ of mesne; and further, the case was very hard when the mesne had nothing; in case also when if the tenant was ready to perform to the chief lord the services and customs demanded, and the chief lord refused to take the services and customs due to him, by the hand of any other than of his next tenant, and so such tenants in demesne lost the profit of their lands sometimes for a time, and sometimes for their whole time, and heretofore no remedy has been provided in this case: there is ordained and provided a remedy for the future in this form; that so soon as such tenant in demesne, having a mesne between himself and the chief lord, is distrained, immediately the tenant purchase a writ of mesne; and if the mesne having land in the same county, absent himself until the great distress, the plaintiff have such day given him in his writ of great distress, before the coming of which day two county [courts] may be held, and the sheriff be commanded to distrain the mesne by the great distress, like as it is contained in the writ; and nevertheless the sheriff in two full counties cause to be proclaimed solemnly, that such mesne come at a day contained in the writ, to answer his tenant: at which day if he come, that the plea proceed between them in the accustomed manner; and if he do not

The writ of
mesne, and
new process
therein.

nō venit, amittat hui^omodi medius ſuiciū tenentis sui amodo nō respondeat ei tenens in aliquo set omissio illo medio, respondeat capitali dno de eisdem ſuiciis que prius facē debuit p̄dco medio. Nec heat capitalis dñs potestatē distingendi dum p̄dcs tenens offerat ei ſuicia debita & consueta. Et si capitalis dñs exegit plusq^u medius ei facē deberet heat tenens in hac casu excep̄cōm quā hret medi^o. Si u^o medius nichil habuit in potestate Regis, nichilomin^o p̄quirat tenens b̄re suū de medio ad vič Comitat^o illius in quo distingit^r. Et si vič mandaſit qd medius nichil habet vbi potest ſūmoneri, nichilomin^o sequat^r b̄re de attachiamēto. Et si vič mandaſit qd nichil habet p quod potest attachiarī, nichilomin^o sequat^r b̄re de magna districtōne et fiat p̄clamacio in forma p̄dca. Si uero medius nō habeat p̄ram in Com in quo fit districtō set heat p̄ram in alio Com, tūc exeat b̄re originale ad ſūmoni mediū ad vič Com in quo fit districtio. Et cum testificatum fuit p illum vič qd nichil habet in Com suo, exeat b̄re de iudicio ad ſūmonend^r mediū ad vič Com illius in quo testificatū fuit qd tenē & fiat secta in illo Com quousq^u pueniat ad magnam districtōm & p̄clamačōm sicut dēm est sup^a de medio habente p̄ram in eodem Com in quo fit districtio et nōmin^o fiat secta in Com in quo nichil habet sicut dēm est sup^a de medio nichil habēte quousq^u puēiat^r ad magnam districtōm & p̄clamačōm & sic post p̄clamačōm in vtroq^u Com fcam abiudicet^r medius de feodo & ſuicio suo. Cum aliquā contingent qd tenēs in dñico feoffat^r est ad tenend^r p min^o ſuiciū qd medius facē debuit capitali dno cum post hui^omodi p̄clamačōm attornat^r sit tenens capitali dno medio omissio, necesse heat tenens respondere capitali dno de ſuiciis & consuetudinib^z que medius ei prius facere debuit. Et postq^u venit medius in Cuř & cognōbit qd acquietare debet tenemētū suū vel adiudicet^r ad acquietand^r si post hui^omodi cognīcōm aut iudiciū querimonia puēiat qd medius nō acquietat tenentem tūc exeat b̄re de iudicio qd vič distingat medium ad acquietand^r tenentē & ad essend^r coram Justič ad ētum diem ad ostendend^r quare p̄us nō acquietauit. Et cum p districtōm

come, that then such meane lose the service of his tenant, and from thenceforth the tenant may not answer him in any thing; but, the same meane being excluded, that he answer unto the chief lord of such services as before he ought to have performed to the said mesne; nor shall the chief lord have power to distrain, so long as the aforesaid tenant offer him the services due and accustomed; and if the chief lord shall have exacted more than the mesne ought to render to him, that the tenant in such case have such exception as the meane should have. And if the mesne had nothing within the King's jurisdiction, the tenant nevertheless may purchase his writ of mesne to the sheriff of that county wherein he is distrained. And if the sheriff shall have returned, that the meane has nothing whereby he may be summoned, nevertheless that he sue a writ of attachment. And if appearance. The meane forejudged of his fee and services in default of appearance. the sheriff return, that he has nothing by which he may be attached, he nevertheless may sue a writ of great distress, and proclamation shall be made in form aforesaid. And if the mesne have no land in the county in which the distress is taken, but have land in another county, then that a writ original to summon the meane, issue unto the sheriff of the county where the distress is taken. And when it shall have been returned by the said sheriff that he has nothing in his county, that a writ of judgment issue, to summon the meane, unto the sheriff of that county in which it shall be testified that he has tenements, and suit shall be made in that county, until the process come to the great distress and proclamation, as above is said of the meane having land in the same county in which the distress is taken; and nevertheless that suit be made in the county in which he has nothing, as above is said of the meane that has nothing, until the process come to the great distress and proclamation; and so after proclamation made in each county, that the meane be forejudged of his fee and service. And where it happen sometimes, that the tenant in demesne is infeoffed to hold by less service than the meane ought to render unto the chief lord, when after such proclamation the tenant has attorned to the chief lord, the meane being excluded, the tenant must of necessity answer unto the chief lord for the services and customs which the meane ought before to render to him. And after the meane shall have come into court, and confessed that he ought to acquit his tenant,¹ or be adjudged to acquit, if after such confession or judgment it is complained that the meane does not acquit his tenant, that then a writ of judgment issue, that the sheriff distrain the meane to acquit. The tenant holding by less service than the meane. Proceedings when the meane appears.

¹Other MSS. have *tenentem*.

ueeffit, audiat^r querens et si querens verificare po^rit q^d ipm nō acquietauit, satisfaci^r de dampnis & p^r iudiciū recedat tenens q^{et} de suo medio & attornet^r capitali dno. Et si ad p^riam districcōm nō vefit exeat b^re de alia districione & fiat p^rclamacio postq^a testificata fuit p^rcedat^r ad iudiciū sicut supius dcm est. Et sciend^r q^d p^r hoc statutū nō excludunt^r tenentes quin h^eant Warantiam si de tenementis suis implacit^r sup medios suos & eo^r heredes scdm quod prius habuerunt. Nec eciam excludunt^r tenentes quin sequi possint versus medios suos scdm consuetudinē p^rius v^ritatem si viderint q^d p^rcessus eo^r plus valeat p^r antiq^a consuetudinē q^a p^r istud statutū. Et sciend^r est q^d p^r istud statutū nō p^ruidet^r remediu quibz cū mediis set solūm in casu cū sit vnu medius tantum in dñm distingentē & tenentē & in casu quando medius ille est plene etatis. Et i cāu quando tenens sine p^rjudicio alius q^a medii attornare se potest capitali dno q^d dcm est p^r mulieribz tenentibz in dotem, tenētibz p^r legem Angl vel ali^r ad vīnū vite vī p^r feodum talliatum quibz p^r aliquibz causis nōdū est p^ruisun^r remediu set deo dāte alias p^rouidebitur.

De Libera-
cione breuium
in Itinere
Justi-
ciorum.

Cvm in itifile Justi^c proclamatum fuit q^d omnes qui breuia liberare voluerint ea liberent inf^a certum fminū post quē nullum breue recipiat^r mti de hoc cōfidētes cum moram fecint usq^a ad pdcm fminū & nullū breue sup eos fuit libatum de licēia Justi^c recedunt post quo^r recessum adūsarii sui ipo^r absenciam p^ripientes breuia sua porrigunt in cera que aliquando p^r fauorem aliquando p^r vi^r p^r dono recipiuntur & illi qui secure credebant recessisse, teñ sua amittūt vt hui^r modifraudi subueiat^r imposterum; statuit dñs Rex q^d Justi^c in Itifibz suis statuant fminū q^{ndene} vel mensis minoris vel maioris fmini scdm q^d Com fuit maior vel minor iuf^a quē fminū publice p^rclamet^r q^d omnes qui breuia liberare voluerint ea liberent cit^r illum fminū & in aduentu illius fmini d^rificet vi^r capitalem Justi^c itifis quot breuia habet & que & ultra illum fminū nullum breue recipiatur quod si receptum fuerit processus p^r illud f^rcus p^r nullo habeatur excepto q^d b^re cassatum durante

his tenant, and to be at a certain day before the justices, to show why he had not acquitted him before. And when he has come by force of the distress, let the plaintiff be heard ; and if the plaintiff can prove that he has not acquitted him, he shall satisfy the damages, and by ^{Damages in} judgment the tenant shall go quit from his mesne and attorn unto the ^{a writ of} ^{mesne} chief lord. And if he come not at the first distress, let a writ issue for another distress and let proclamation be made ; and after it is returned let it proceed to judgment, as before said. And it is to be understood, that by this statute, tenants are not excluded, but that they have warranty of their mesnes and the heirs of them, if they be impleaded ^{Tenants may have warranty of the mesne.} of their tenements, as they have had before. Nor that the tenants be excluded, but that they may sue against their mesnes, as they used hitherto, if they see that their process may avail more by the old custom, than by this statute. And it is to be understood, that by this statute no remedy is provided to any mesnes, but only in case where there is but one mesne only between the lord that distrains and the tenant, ^{For what} ^{tenants this} ^{statute is} ^{ordained.} and in case where that mesne is of full age ; and in case where the tenant may attorn unto the chief lord, without prejudice of any other than of the mesne, which is said for women holding in dower, tenants by the law of England, or otherwise for term of life, or in fee-tail, to whom for certain causes remedy is not yet provided, but, God willing, it shall be at another time.

X. When in the circuit of justices it shall have been proclaimed, that ^{Of delivery of} ^{writs in the} ^{eyre of the} ^{Justices.} all who wish to deliver writs, should deliver them within a certain term, after which no writ should be received ; many trusting to this when they shall have waited until the said term, and no writ was served upon them, depart by licence of the justices ; after whose departure their adversaries, perceiving their absence, deliver their writs in wax, which sometimes by favour, and sometimes for reward, are received by the sheriff, and those who believed they had departed in security lose their tenements ; for the remedy of such fraud hereafter, the lord the King has ordained that the justices in their eyres appoint a term of fifteen days, or a month, the term shorter or longer, according as the county shall be larger or smaller, within which term it be publicly proclaimed, that all who wish to deliver their writs, deliver them before the same term ; and when the time comes, the sheriff certify the chief justice of the eyre how many writs he has, and what, and that no writ be received after that term ; and if it shall be received, the process issuing thereupon be of no effect, except that a writ abated may be revived any time during the whole eyre. Also writs of *dower*

toto itinere releuari poterit. Brevia etiam de dote de viris qui obierint infra summicionem itineris assise ultime presentacionis * quare impedit, De ecclesiis vacantibus infra summicionem predictam quocumque tempore ante recessum Justic recipient. Brevia etiam noue dissimilat quocumque tempore facta fuerit dissimilantur.

De attornatis
in Itinere
Justi-
ciorum.

In Itinere Justic concedit dominus Rex de gratia speciali quod illi qui tenementa habent in diversis Comitatu in quibus Justic itinerant vel de quibusdam tenementis in Comitatu in quo Justic Itinerant timent implacitari et de aliis tenementis in Comitatu in quo Justic non itinerant implacitari coram Justic apud Westm vel de Banco domini Regis vel coram Justicia ad assisas capiendas assignat vel in aliquo Comitatu coram vice vel in aliquo. Curia Baroni faciat possint gefale attornatum ad sequendam per eos in omnibus placitis in Itinere Justic per ipsos vel contra ipsos motis vel mouendam durante itinere quicquidem attornatus vel attornati habeant potestatem in placitis motis in itinere quousque placitu fminetur vel dominus suus ipsum amolet nec per hoc excusentur si sint in Juratis assibus coram eisdem Justiciariis.

De hiis qui
comptum
reddere
tenantur

De seruientibus Balliuis Cantabrigiensi et quibuscumque receptoribus qui ad comptum reddendum tenentur concorditer est ordinatum et statutum quod cum domino huiusmodi seruientum dederit eis auditores compoti et contingat ipsos esse in arreragiis super comptum suum arrestentur corpora eos et per testimoniū auditos copotie eiusdem mittantur et liberentur propter gaole domini Regis in portibus illis et a vice seu custode eiusdem gaole recipient et mancipantur carceri in ferris et sub bona custodia et in illa persona remaneant de suo proprio viuentes quousque dominus suis de arreragiis plena satisfacti. Attamen si quis sit gaole liberatus conqueratur quod auditores compoti ipsum iniuste gauduerint onerando de receptis que non recipit vel non allocando expensas aut liberaciones rationabiles et inueniat amicos qui eum manu capte voluerint adducendam liberentur eis. Et scire facit vice in cuius potestate fuerit dominus quod sit coram Baronibus de scacio ad aliquem etiam diem

of men who died within the summons of the eyre, assises of *darrein presentment*, and *quare impedit*, of churches vacant within the aforesaid summons, may be received at any time before the departure of the justices. Also writs of *novel disseisin*, at what time soever the disseisin was done, be received.

In the eyres of the justices, the lord the King of his special grace grants, that those who have tenements in divers counties, where the justices make their circuit, or fear to be impleaded of certain tenements in counties where the justices make their circuit, and are impleaded of other tenements in countees where the justices have no circuit, as before the justices at Westminster, or in the King's Bench or before justices assigned to take assises, or in any county [court] before sheriffs, or in any court Baron, may make a general attorney to sue for them in all pleas in the circuit of justices moved or to be moved for them, or against them, during the circuit, which attorney or attorneys shall have power in pleas moved during the circuit, until the plea be determined, or his lord remove him; yet that they be not excused thereby, from being put on juries or assises before the same justices.

XI. Concerning serjeants, bailiffs, chamberlains, and all manner of receivers, who are bound to yield account, it is with one consent agreed and ordained, that when the lord of such servants assigns auditors of their account, and it happens that they are in arrear upon their account, their bodies be arrested and by the testimony of the auditors of the said account, they be sent and delivered to the next gaol of the lord the King in those parts, and be received by the sheriff or keeper of the gaol, and imprisoned in irons under safe custody, and remain in the same prison living at their own cost, until they shall have satisfied their lords fully of the arrears. Nevertheless if any person being so committed to gaol, complain that the auditors of account have injured him unjustly, charging him with receipts that he has not received, or not allowing him expenses, or reasonable disbursements, and he can find friends who will mainprise to bring him [before the Barons of the Ex. chequer], that he be delivered unto them. And the sheriff, in whose power he shall have been, cause his lord to know, that he be before the Barons of the Exchequer at a certain day, with the rolls and tallies

Of those who
are bound to
render
account.

Proceedings
may be
removed into
the Exchequer.

cū rotulis & talliis p' quos compotū reddiderit & in p'sencia Baronū vel auditorū quos assignare voluerint recitet' compot' & fiat partibz iusticia ita qd si fuit in arreragiis, cōmittat' gaole de ffilet vt sup'dcm est. Et si defugerit & gratis compotum reddere noluerit, sicut alibi in aliis statutis continet' distringat' ad venient' coram Justic ad compotū reddend si heat p' quod distingi possit, & si ad Cuř venient dent' auditores compoti corā quibz si fuit in arreragiis si statim arreragia solle nō possint cōmittant' gaole custodiendi in forma p'dca. Et si defugerint & testatū fuit p' vič qd nō sunt inuenti exigant' de Corū in Comitatum quousq' vtlagent' & sint hui'modi incarcерati irreplegiabiles. Et caueat sibi vič vel Custos eiusdem gaole siue sit in libtate siue extra qd p' cōmune b're quod dicitur replegiari vel alio modo sine assensu dñi ipm a p'sona exire nō pmittat quod si fecerit, & sup hoc conuincat' respondeat dno de dampno p' hui'modi g'uentē sibi illato sedm quod p' priam verificare po'fit & ita heat recuperare suū p' b're de debito. Et si custos gaole nō heat p' quod Justiciet' vel vnde soluat respondeat supior suus qui custodiam hui'modi gaole sibi cōmisit p' idem b're.

De falsi,
appellis

Qvia multi p' maliciam volentes alios grauare p'curant falsa appella fieri de homicidio & aliis felonii p' appellatores nichil habentes vnde dno Regi p' falso appollo nec appellatis de dampnis respondere possint statutū est qd cum aliquis sic app'llat' de feloniam sibi imposita se acquietauit in Cuř Regis modo debito vel ad sectā appellatoris vel dñi Regis, Justic coram quibz auditū erit hui'modi appellū & terminatū puniant appellatorem p' p'sonam vni' anni, et nichilomin' restituat hui'modi appellatores appellatis dampna p' discrecōm Justic hito respectu ad p'sonam vel arrestacōm quā occasione hui'modi appellatorū sustinuit appellati & ad infamiam quā p' in p'sonamētū vel alio modo incurrerunt et nichilomin' versus dñm Regem g'uius redimant'. Et si forte hui'modi appellatores nō heat vnde p'dca dampna restitū possint inquirat'

by which he made his account ; and in the presence of the Barons, or the auditors whom they will assign, the account be rehearsed, and justice be done to the parties, so that if he shall be found in arrear, he be committed to the gaol of the Fleet, as above is said. And if he flee, and will not render account willingly, as is contained elsewhere in other statutes, he be distrained to come before the justices to make his account, if he have whereof he can be distrained. And if they shall come to the Court, auditors of account be assigned, before whom if they shall be found in arrear, if they cannot pay the arrears forthwith, they be committed to the gaol to be kept in manner aforesaid. And if they ^{Exigents} flee, and it be returned by the sheriff that they cannot be found, that ^{against} accountant ^{accountant} they be proclaimed from county to county, until they be outlawed, and let such prisoners be not repleviable. And let the sheriff or keeper of such gaol take heed, whether it be within a franchise, or without, that ^{The sheriff} he do not suffer him to go out of prison by the common writ called ^{or gaoler} *replegiari*, or by other means, without assent of his lord ; and if he do, ^{answerable on} and thereof be convicted, that he be answerable to the lord for the ^{escape of an} damage done to him by such servant, according as it may be found by the country, and he may have his recovery by writ of debt. And if the keeper of the gaol have not wherewith he may answer to justice, or whereof he may pay, that his superior, who committed the custody of such gaol unto him, be answerable by the same writ.

XII. Forasmuch as many, through malice intending to injure others, ^{Of false} procure false appeals to be made of homicide and other felonies by ^{appeals.} appellors, having nothing to satisfy the lord the King for the false appeal, nor the parties appealed for their damages ; it is ordained, that when any, being so appealed of felony imputed to him, shall have acquitted himself in the King's court in due manner, either at the suit of the appellant, or of the lord the King, the justices before whom such appeal shall be heard and determined, punish the appellant by a year's imprisonment, ^{A year's} and the appellors nevertheless restore to the parties appealed their imprisonment ^{imprisonment} damages, according to the discretion of the justices, having respect to the imprisonment or arrest that the parties appealed sustained by reason of such appeals, and to the infamy that they have incurred by the imprisonment or otherwise, and nevertheless make a grievous fine unto the lord the King. And if peradventure such appellors have not wherewith to recompense the said damages, it shall be inquired

p sac̄m pboz & laȝ h̄oiū p quoȝ abettum formatum fuerit hui'modi appellū p maliciam si appellatus hoc petat. Et si inuēiat̄ p illam inquisicōm q̄d aliquis sit abettator p maliciam p breue de iudicio ad sectam appellati distingat̄ ad veniend̄ corā Justiciariis. Et si legittimo modo conuictus fuerit de hui'modi abetto p maliciam, punia' p p̄sonam & ad restituicōm dampnoȝ teneat̄ sicut supius d̄cm est de appellatore. Nec iaceat decēto appellatori de appello de morte hominis essoniū in quacūq Curia appellum fuit f̄minand̄.

De vicecom-
itibus
homines non
culpabiles
capientibus in
turnis suis.

Qvia vicecomites multociens fingentes aliquos coram eis in turnis quis indictatos de furtis & aliis malef̄cis capiunt homines nō culpabiles nec legitt̄o modo indictatis & eos imprisonant & ab eis pecuniam extorquent & cū legitt̄o modo p xijth Juratores nō fuerint indictati; statutū est q̄d vicecomites in turnis suis & alibi cum inquirere h̄eant de malef̄toribz p p̄ceptū d̄ni Regis vel ex officio suo p leḡ holes ad minus duodecim, faciant inquisiciones suas de hui'modi malef̄toribz qui inquisicionibz illis sigilla sua apponant et illos quos p hui'modi inquisicōnes inuenerint culpabiles capiant & imprisonent scđm q̄d alias fieri consueuit. Et si alios imprisonaūint q̄d p hui'modi inquisicōnes indictatos h̄eant hui'modi imprisonati actionem suam p b̄re de imprisonmentē versus vič sicut h̄erent versus quācumq; aliam psonam qui eos imprisonaret sine Waranto & sicut d̄cm est de vič ob̄suet̄ de quolibet ballino lib̄tatis.

De vasto
facto per
Custodem

Cvm de vasto fco in hereditate alicui' p custodes tenentes in dotem p legē Angt vel aliꝝ ad f̄minū vite consueūit fieri b̄re de phibicione vasti p quod b̄re m̄ti fuerunt in errore credentes q̄d illi qui vastum fecerunt nō habuerunt necesse respondere nisi tantū de vasto fco post phibicōm eis directam; dñs Rex vt hui'modi error de cefo tollat̄ statuit q̄d de vasto quocūq modo ad nocumentū alicui' fco nō fiat decēto b̄re de prohibicione vasti set b̄re de sūmonendo ita q̄d ille de quo querit̄ respondeat de vasto fco quocūq tempore et post sūmonicōm si nō venit attachiet̄ et post attachiamētū distingat̄ et post districcōm si nō venit mandet̄ vič q̄d in

by oath of good and lawful men by whose abetment such appeal was formed by malice, if the party appealed desire it; and if it be found by the same inquest, that any man is abettor through malice, at the suit of the party appealed, he be distrained by a writ of judgment to come before the justices; and if he be lawfully convicted of such malicious abetment, he be punished by imprisonment and bound to restitution of damages, as before is said of the appellor. And that from henceforth in appeal of the death of a man, no essoin lie for the appellor, in whatsoever court the appeal shall come to be determined.

XIII. Forasmuch as sheriffs, oftentimes feigning certain persons to be indicted before them in their turns, of thefts and other trespasses, take men that are not guilty or lawfully indicted, and imprison them, and exact money from them, whereas they were not lawfully indicted by twelve jurors; it is ordained, that sheriffs in their turns, and in other places, when they have to enquire of malefactors by the lord the King's precept, or by their office, make their inquests of such malefactors by lawful men, twelve at the least, who shall put their seals to such inquests; and those that they shall have found guilty by such inquests, they take and imprison, as has been accustomed at other times to be done. And if they shall have imprisoned others than such as have been indicted by such inquests, the parties imprisoned may have their action by a writ of imprisonment against the sheriffs, as they should have against any other person who should imprison them without warrant; and as it has been said of sheriffs, so be it observed of every bailiff of a franchise.

XIV. Whereas for waste done in the inheritance of any person, by guardians, tenants in dower, tenants by the law of England, or otherwise for term of life, a writ of prohibition of waste has been used to be granted, by which writ many in error, thinking that those who had done the waste had not need to answer, except of waste done after the prohibition to them directed; to remove from henceforth this error, the lord the King has ordained, that of all manner of waste done to the damage of any person, there be not from henceforth a writ of prohibition of waste awarded, but a writ of summons, so that he of whom complaint is made, answer for waste done at any time; and if he come not after the summons, that he be attached, and after the attachment he be distrained; and if he come not after the distress,

ppria persona assumpto secum duodecim &c accedat ad locum vastatum & inquirat de vasto & returnet inq'sicōm et post qā returnata fuit pcedat ad iudiciū scđm qđ qtiner in statuto prius edito apud Westm.¹

De secta pro minoribus infra etatem.

In om̄i casu quo minores infra etatem implacitare possunt, concessum est qđ si hui'modi minores elongati sint quo minus personalip sequi possint; p̄pinq'ores amici admittantur ad sequendp eis.

De maritagio minoris tenentis de diuersis dominis.

In casu quo alicui minori descendat hereditas ex parte p̄ris qui tenuit de vno dno & ex parte matris que tenuit de alio dno, dubitacio hucusqā extitit de maritagio hui'modi minoris ad quem de duobz dnis ptineat; concordatū est qđ ille dñs decefo habeat maritagiū antecessor prius fuit feoffatus nō h̄ito respectu ad sexum nec ad qāntitatem tenementi set solūmodo ad antiquiū feoffamentū p̄ suiciū militare.

De essonia de malo lecti in Itinere Justiciariorum.

In Itinere Justiciā nō admittat̄ decefo essonia de malo lecti de teñ in eodē Com̄ nisi ille qā se facit essoniare veracip sit infirmp quia si excipiatur a petente qđ tenens nō est infirmus nec in illo statu quo venire nō potuit coram Justiciā admittat̄ eius calumpnia. Et si hoc p̄ inq'sicōm conuinci potit, veracip illud essoniū in defaltā nec iaceat decetero istud essoniū in b̄ri de recto infp duos clamantes p̄ vnū descensum.

De debito recuperato.

Cvm debitum fuit recuperatum vel in Curr Regis recognitū vel dampna adiudicata, sit decefo in electione qui sequit̄ p̄ hui'modi debito aut dampnis sequi b̄re qđ vič fieri fac̄ de p̄ris & catalit̄ vā quod vič libet ei om̄ia catalla debitoria, exceptis bobz & affris caruce & medietatē terre sue quousqā debitū fuit leuatum p̄ r̄onabile preciū & extentam et si eiciat̄ ab illo tenemento heat recuperare p̄ b̄re noue diissie & postea per b̄re redissie si n̄cē fuit.

Another MS. reads "Gloucester." See Stat. Gloucester, cap. v. (p. 96).
Vertatur in other MSS.

the sheriff be commanded that in proper person he take with him Inquiry of twelve &c., and go to the place wasted, and inquire of the waste and ^{waste.} return an inquest, and after the inquest returned, it proceed to judgment, as it is contained in the statute first made at West-minster.

XV. In every case in which minors under age may plead, it is granted Of suit for that if such minors be elained, so that they cannot sue personally, their ^{minors.} next friends be admitted to sue for them.

XVI. In case where an inheritance descends to a minor, on the side of Marriage of a minor tenant the father, who held of one lord, and on the side of the mother who of divers lords. held of another lord, there has hitherto been doubt, as to the marriage of such a minor, to which of the two lords it should belong ; it is agreed, that from henceforth that lord have the marriage, of whom the ancestor was first infeoffed, not having respect to the sex, nor to the quantity of the tenement, but only to the more ancient feoffment by knight service.

XVII. In the eyre of the justices, an essoin *de malo lecti* shall not Of the essoin be from henceforth allowed for a tenement in the same county, unless *de malo lecti* in the eyre of he that caused himself to be essoined be sick indeed ; for if the demand- the Justices. ant make exception that the tenant is not sick, nor in such plight but that he may come before the justices, his challenge shall be admitted. And if it can be so proved by inquest, that essoin shall be turned to a default ; and from henceforth such essoin shall not lie in a writ of right between two claiming by one descent.

XVIII. When a debt shall have been recovered or acknowledged in the Of a debt King's court, or damages adjudged, it shall be from henceforth in the exec- recovered. tion of him who sues for such debt or damages, to sue out a writ that the sheriff cause him to have of the lands and chattels, or that the sheriff shall deliver to him all the chattels of the debtor, saving only his oxen and beasts of the plough, and the one half of his land, until the debt be levied upon a reasonable valuation and extent ; and if he be put out of that tenement, he shall have recovery by a writ of *novel disseisin*, and afterwards by a writ of *redisseisin*, if need be.

De bonis
decedentis
intestati ad
ordinarium
deolutis.

De respon-
sione in breui
mortis
antecessoris
et consanguini-
tatis.

De seruicio
detento per
Biennium.

De tenentibus
in Communi.

Cvm post mortē alicui⁹ decedentis intestati vel obligati aliquib^z in debito bona eius deueniant ad ordinariū disponenda, obliget^r de cēpo ordinarius ad respondend^r de debitis quaten⁹ bona defūti sufficiūt eo modo quo executores respondere tenerent^r si testamentū fecisset.

Cvm Justi^c in placito mortis aⁿcessorū admitt^e consueūt^r responsiō tenentis qd petens nō est p^rpinquier herē aⁿcessorū de cui⁹ morte teñ petitur & hoc p assisam inquirere, concordatum est qd in b^rib^z de consangⁱnitate Auo & pauo que sūt ei⁹dē nature admittat^r illa responsio & inquirat^r & scdm inquisiō ad iudiciū procedat^r.

Cvm in statuto apud Gloucest^r contineat^r qd si quis dimiserit teñ alicui, ad reddend^r valorem quarte partis tenementi & maioris heat ille qui dimisit vel eius heres postq^a cessatum fuit a solu^cone p bieniū actōm petendi teñ sic dimissū in dñico. Eodem modo concordatum est qd si quis detineat dno suo ūciū debitū vel cons^r dno suo p bienniū; heat dñs actionē petendi tenemētū in dñico p tale b^re. Precipe A. qd iuste &c redat B. tale teñ quod C. de eo tenuit p tale seruiciū et quod ad pdcm B. refūti debet eo qd pdcs A. in faciendo pdcm ūciū p bienniū cessauit vt dicit. Et nō solum in isto casu set in casu in quo fit mēcio in pdco statuto Glouc^r, fiant b^ria de Ingressu heredi petenti sup heredē tenetis & sup eos quib^z alienatum fuit hui⁹modi tenemētū.

Cvm duo vel plures teneant boscum, turbariam, piscariam vt alia hui⁹modi in cōmuni absq^u hoc qd aliquis sciat suū separe & aliquis eo^z faciat vastum cont^r voluntatem aliis; moueat^r actio p breue de vasto & heat defendens cum ad iudiciū vefit eleccionem capiendi partem suam in cōto loco p vi^c & visum & sacrī & assignacionē vicino^z ad hoc electo^z & Jurato^r vel concedat qd nichil capiat decepo in hui⁹modi bosco turbaria & aliis nisi scdm qd pticipes sui cape voluerint. Et si eligat cape ptem suam in cōto loco, assignet^r ei in sua parte locus vastatus scdm qd fuit anteq^a vastū fecit. B^re in hoc casu. Cum A. & B. teneant boscum p indiuiso B. fecit fecit¹ vastum &c.

¹ Repeated in MS

XIX. When after the death of a person dying intestate, who is bound to any persons for debt, the goods come to the Ordinary to be disposed, the Ordinary from henceforth shall be bound to answer the debts as far as the goods of the deceased extend, in the same way as the executors should have been bound to answer, if he had made a testament.

XX. Whereas justices in a plea of *mord'ancestor*, have been accustomed to admit the answer of the tenant, that the plaintiff is not next heir of the ancestor, by whose death he demands the tenement, and [is ready]¹ to inquire the same by assise; it is agreed, that in writ of *cosenage*, *aiel*, and *besieel*, which are of the same nature, that answer be admitted and inquired, and according to the inquisition they proceed to judgment.

XXI. Whereas in a statute made at Gloucester, it is contained, that if any demise a tenement to another, to pay the value of the fourth part of the tenement and more, he who demised, or his heir, after the payment has ceased by the space of two years, have an action to demand the tenement so demised in demeane: in like manner it is agreed, that if any withhold from his lord his due or accustomed service by the space of two years, the lord have an action to demand the tenement in demeane, by such a writ; *Praecipe A. quod juste, &c.*, *reddat B. tale tenementum quod C. de eo tenuit per tale servitum, & quod ad praedictum B. reverti debet, eo quod praedictus A. in faciendo praedictum servicium per biennium cessavit, ut dicit.* And not only in this case, but also in the case whereof mention is made in the said statute of Gloucester, that writs of entry be made for the heir demand- For heir against tenement shall be aliened.

XXII. When two or more hold wood, turbary, fishery, or other such things in common, wherein none knows his several, and any of them commit waste against the will of another, an action may be moved by a writ of waste; and when it shall have come to judgment, the defendant may choose either to take his part in a place certain, by the sheriff, and by the view, oath, and assignment of neighbours, chosen and sworn for this purpose, or else he agree to take nothing from henceforth in such wood, turbary, and other things but as his parcelers will take. And if he choose to take his part in a place certain, the part wasted shall be assigned to him in his part, as it was before he committed the waste. The writ is such in this case:—*Cum A. & B. teneant boscum pro indiviso, B. fecit vastum, &c.*

¹ *Paratus est* is read here in other MSS.

De compoto
pro execu-
toribus.

Habeāt deceſo executores breue de compoto & eandem actionē & pcessū p illud bře qualem habuit & haberet mortuus si vixisset.

In casibꝫ quibꝫ concedit^r bře in Cancellař de fco alicui^r deceſo nō recedant querentes a Cuř Regis sine remedio p eo qđ teň t^ransferat^r de vno in aliū & in registo de Cancellař nō est inuentū aliquod bře in illo casu speciale sicuti de domo muro mſcato concedit^r bře sup eum qui leuauit. Et si t^ransferat^r domus murus & hiis consimilia in aliam psonam breue denegat^r set deceſo cū in vno casu concedit^r bře, in simili casu simili remedio indigente sicut prius fit bře. C. Questus est nobis A. qđ B. inuiste &c leuauit domū mſcatum & alia que sunt ad nocumentū si hui^rmodi leuata ad nocumētū t^ransferat^r in aliam psonam deceſo fiat sic. C. Questus est nobis A. qđ B. & C. leuauerunt &c. Eodem modo sicut psona alicui^r ecclie recuperare potest cōmunā pasture p bře noue dissie, eodem modo deceſo recuperet successor sup disseſitorē vel ei^r heredē p bře qđ pmittat licet hui^rmodi bře prius a Cancellařia nō fuit concessum. Eodē modo sicut conceditur bře de vtrum aliquod teň sit liba elemosina alicui^r ecclie vel laicum feedum talis, fiat deceſo bře vtrum sit libera elemosina talis ecclie vel alterius. C. In casu quo libera elemosina vnius ecclie t^ransferat^r in possessionē alius ecclie; & quocienscūq; deceſo eueſſit in Cancellařia qđ in vno casu repit^r bře & in cōmuni casu cadente sub eodem iure & simili indigente remedio, concordēt clici de Cancellařia in bři faciendo, vel atterminent querentes in pxio parliamento scribant casus in quibꝫ concordare nō possunt & referant ad pximū plementū & de consensu iuř pitož fiat bře ne contingat deceſo qđ Cuř diu deficiat querentibꝫ in iusticia pquirenda.

De noua
diſſeſina
amplianda.

Qvia nō est aliquod bře in Cancellař p quod querentes habent ita festinum remediu sicut p bře noue dissie dñs Rex voluntatē habens qđ celeris fiat iusticia et qđ dilaciones in plitis amputent^r vel abreuiant^r concedit qđ bře noue dissie locum ſeat in pribꝫ casibꝫ qđ prius habuit & concedit qđ de estoueriis bosč pſicuo capiendo in bosco de nucibꝫ & glande

XXIII. Executors from henceforth shall have a writ of account, [Writ of] account for and the same action and process by the same writ, as the deceased executors had and might have had if he had lived.

XXIV. In cases in which a writ is granted in Chancery for the Writs in contract of any, the plaintiffs from henceforth shall not depart from the King's court without remedy, because the tenement is transferred from one to another, and in the register of the Chancery there is no special writ found in this case ; as of a house, wall, market, the writ is granted against him who set it up ; and if the house, wall, and such like be aliened to another, the writ is denied ; but from henceforth, whereas in one case a writ is granted, in like case requiring like remedy, the writ shall be made as before : *Quaestus est nobis A. quod B. injuste, &c., levavit domum, mercatum, & alia quae sunt ad documentum, &c.* And if such things set up be aliened to another person, henceforth it shall be made thus :—*Quaestus est nobis A. quod B. et C. levaverunt, &c.* In like manner, as a parson of a church may recover common of pasture by writ of *novel disseisin*, likewise from henceforth his successor shall recover by writ of *quod permittat* against the disseisor or his heir, though a like writ were not granted out of the Chancery before. And in like manner, as a writ of *utrum* is granted whether any tenement be the free alms of any church, or the lay fee of such a man, from henceforth a writ shall be made whether it be the free alms of such church, or of another, in case where the free alms of one church are transferred to the possession of another church. And whosoever from henceforth it shall happen in the Chancery, that in one case a writ is found, and in like case falling under the same law, and requiring like remedy [is found none]¹ the clerks of the Chancery shall agree in making a writ, or shall atterm the plaintiffs until the next parliament, and they shall write the cases in which they cannot agree, and refer them to the next parliament and by consent of men learned in the law, a writ shall be made, lest it happen hereafter that the court should long time fail to minister justice to complainants.

XXV. Forasmuch as there is no writ in the Chancery whereby plaintiffs can have so speedy remedy, as by a writ of *novel disseisin* ; the lord the King, willing that justice may be speedily done, and delays in moving pleas taken away or shortened, grants that a writ of *novel disseisin* hold place in more cases than it has done heretofore ; and grants, that for estovers of wood, profit to be taken in a wood by gathering

¹ The words *Nos reperitur* are inserted in old printed copies.

Of enlarging
Novel disseisin.

et aliis fructibus colligend de corredio liberacione bladi aut aliorum victualiū aut necessarioꝝ in loco &to annuatim recipiend tolneto, tronagio, passagio, pontagio et hiis similibus in &is locis capiend. Custodes parcoꝝ boscoꝝ forestaꝝ chaceaꝝ warennas portas et aliis balliuis et officiis in feodo, iaceat de ceſo assisa noue dissie et in omnibus superdictis modo consueto, fiat breve de libo ten. Et sicut eciam prius iacuit et locum habuit in communia pasture ita deceſo locum heat in communia turbarie piscarie et aliis communis et hiis similibus quas quis habet ptingentes ad liberum ten vel eciam sine ten per spale factū adminis ad finium vite. In casu eciam quando quis tenementū ad finium annoꝝ vel in custodia illud alienat in feodum et per illā alienacōm transiſt liberum ten in feoffatum, fiat remediu p breve noue dissie et heat p disseisitoribus tam ille qui feoffat quā feoffatus, ita quod viuente altero eoꝝ locum heat breve predictum. Et si per mortem personaꝝ cesseret remediu p predictum breve, fiat remediu p breve de ingru. Et quāmuis supius fiat mencio de aliquibus casibꝝ de quibus locum non habuit prius breve noue dissie, non propter hoc credit aliquis illud breve non competeat ubi prius competebat. Et licet dubitatur quidam vtrum in casu quo quis pascit alterius spale fieri posse remediu p predictum breve, teneat p certo quod in casu illo p predictum breve bonū et cunctū est remediu. Et caueant deceſo illi qui noīati sunt disseisitores quod non proponat falsas exceptioꝝ p quas capcio assise differatur, dicendo quod alias assisa transiuit in eadem partes de eodem tenemento, vel dicendo et menciendo quod breve de aliorum natura pendet in eisdem partes de eodem tenemento et super hiis consumilibus vocet rotulos uel recordū ad Warantū ut per illam vocacionem asportare possint vesturam leuare redditus et alia pfectua ad magnū detrimentū querentis quia licet prius illam penam non habuit qui huiusmodi falsas exceptioꝝ mendaciter proponit, nisi tantū quod post mendaciū suū conuictum processum fuit ad capcionē assise dñs Rex cui odiose sunt huiusmodi false exceptioꝝ, statuit quod si quis disseisitor noīat psonaliter proponat illam exceptiōm ad diem sibi datum si defecit de Waranto quod vocauit heatur p disseisitore absq; recognitioꝝ assie et

of nuts, acorns, and other fruits, for a corody, delivery of corn or other victuals or necessaries to be received yearly in a place certain, toll, tronage, passage, pontage, and such like, to be taken in places certain, keeping of parks, woods, forests, chases, warrens, gates, and other bailliwicks and offices in fee, from henceforth an assise of *novel disseisin* lie; and in all cases aforesaid, according to the accustomed manner, the writ *de libero tenemento* be made; and as formerly it lay and held place in common of pasture, so from henceforth it hold place in common of turbary, fishery, and such like commons, which any man has appendant to a freehold, or without freehold by special deed, at the least for term of life. In case also when any man holding a tenement for term of years, or in custody, alien it in fee, Remedy on alienation by and by such alienation transfers the freehold to the feoffee, that tenant for the remedy be by a writ of *novel disseisin*, and as well the feoffor as the years or in ward. feoffee be held for disseisors, so that during the life of either of them the said writ hold place; and if by the death of the parties, remedy by that writ cease, then let remedy be given by a writ of entry. And albeit that mention is made above of some cases wherein a writ of *novel disseisin* held no place before, let no man think therefore that this writ lies not now where it lay before; and though some have doubted whether a remedy should be had by this writ in case where one grazes the several [pasture] of another, let it be held for certain, that there is a good and a sure remedy in that case by the said writ. And let those who are named disseisors beware from henceforth that they allege not false exceptions, whereby the taking of the assise may be deferred, saying, Penalty for failing in an exception pleaded by that at another time an assise of the same tenement passed between the defendant same parties, or saying and falsely, that a writ of a higher nature is pending between the same parties for the same tenement, and upon these and like matters do vouch rolls or record to warranty, that by the same vouching they may carry away the crops, receive the rents and other profits, to the great damage of the plaintiff. And whereas formerly no other penalty was limited against him who falsely alleged such untrue exceptions, but only that, after his falsehood proved, the assise proceeded to be taken; the lord the King to whom such false exceptions are odious, has ordained, that if any, being named disseisor, personally allege that exception at the day to him given, if he fail of the warranty that he has vouched, he be adjudged for a disseisor without recognition of the assise, and restore his damages before

restituat dāpna prius inquisita vel post inquirend duplo, & nichilomin⁹ p falsitate sua puniat^r p p̄sonā vni⁹ anni. Et si illa excepcio pponat^r p balliuū nō pp^l hoc differat^r capcio assie & iudiciū sup restituōne teñ & dampnoꝝ, ita tamen qd si dñs illius batti qui absens fuit postmod veniat coram Justiꝫ qui ass^m ceperunt & offerat verificare p recordū vel rotulos qd assisa alias t⁹nsiuit de eod teñ inf^r easdem ptes vel qd querens alias se retraxit de breui cōsimili vel placitum pendeat p b̄e de alciori natura, fiat ei b̄e de faciendo venire sup hoc recordū & cū illud h̄bit & videant Justiꝫ qd record ita ei missum valeret ante iudiciū qd p illud excluderet^r querens ab accōne sua, statim faciant Justiꝫ scire parti qui prius recuperauit qd sit ad &tum diem ad quē reheat defendens seis^m suam & dampna si qua prius soluit p p̄mū iudiciū simul cum dampnis que habuit post p̄mū iudiciū redditū que ei restituatur in duplo sicut p̄dcm est. Et nichilomin⁹ puniat^r ille qui primo recuperauit p p̄sonā scdm discrecōm Justiꝫ. Eodem modo si defendens cont^a quē t⁹nsiuit assisa in saa absencia ostendat cartas vel quietas clamancias sup quāz confectione nō fuit Juratores examinati nec examinari pot̄fūt p eo qd de eis nō fiebat mencio in placitando & pbabiliꝫ ignorare poſunt confectores hui'modi scriptoꝝ Justiꝫ visis scriptis illis faciat scire parti qui recuperauit qd ad &tum diē & venire faꝫ Jurator̄ eiusdē assie. Et si p veredcm Juꝫ v̄l forte p irrotulamentū sc̄pta illa verificauit, puniat^r ille qui ass^m impet^uit cont^a fcm suū p penam sup^{ad}dcam. C. Nec capiat dece^lo vi^c a disseisito bouē set a disseisitore tantū. Et si plures sit disseisidores in vno breui noīati nichilomin⁹ de vno boue sit contentus nec exigat bouem nisi de p̄cio qⁱnq. solidoz & q^atuor denarioꝝ vel p̄ciū.

De redissei-
sina.

In breuibz de redissina adiudicent^r dece^lo dampna in duplo et sint redisseisidores dece^lo irreplegiabiles p cōmune b̄e. Et sicut in statuto Mertoꝫ p̄isum fuit illud breue de hiis qui disseisiti fuerint postq^u recuperavit p ass^m noue dissē mortis añcessor̄ aut p alias Juꝫ ul̄ius dece^lo heat illud breue locum illis qui recuperauit p defaltam reddicōm aut alio modo sine recogniōne assisaꝝ aut Jurataꝝ.

inquired of, or to be inquired of, two-fold, and nevertheless be punished by a year's imprisonment for his falsehood. And if that exception be alleged by a bailiff, that the taking of the assise be not delayed therefor, nor judgment upon the restitution of the tenement, and damages; yet nevertheless, that if the lord of the said bailiff who was absent, come afterwards before the justices who took the assise, and offer to prove In what case a certificate of by record or rolls, that at another time an assise passed between the assise lies, same parties of the same tenement, or that the plaintiff at another time withdrew his suit in a like writ, or that a plea is pending by a writ of a higher nature, let a writ of *venire facias* be granted to him upon this record; and when he has the same, and the justices see, that the record so sent to him would have availed before the judgment, so that the plaintiff by it should have been barred of his action, the justices forthwith cause the party who first recovered, to be warned that he be at a certain day, at which the defendant may have again his seisin and damages, if he paid any before by the first judgment, together with the damages which he sustained after the first judgment given, which shall be restored him twofold, as aforesaid; and nevertheless that he who first recovered be punished by imprisonment according to the discretion of the justices. In the same manner if Proceedings on the defendant, against whom the assise passed in his absence, show any deeds not quit claims, upon the making of which the jurors were not pleaded by examined, nor could be examined, because there was no mention made reason of of them in pleading, and by probability they might be ignorant of the making of such writings, that the justices, upon the sight of those writings, cause the party that recovered, to be warned that he appear at a certain day, and cause the jurors of the same assise to come; and if he verify those writings by the verdict of the jurors, or perchance by enrolment, that he who purchased the assise contrary to his own deed, be punished by the penalty aforesaid. And the sheriff from henceforth shall not take an ox from the disseisee, but from the disseisor only; and if there be many disseisors named in one writ, yet shall he be contented with one ox; nor shall receive any ox save of 5*s.* 4*d.* price, or the value.

XXVI. In writs of *redisseisin*, from henceforth double damages shall Of *redisseisin*. be awarded, and the disseisors shall not be repleviable hereafter by the common writ. And as in the statute of Merton the same writ was provided for those who were disseised after they had recovered by assise of *novel disseisin*, *mord'ancestor*, or other juries, so from henceforth the same writ shall further hold place for those who have recovered by default, redition, or otherwise, without recognition of assises or juries.

De allocacione essonii post inquisitionem. Postq^ā aliquis posuerit se in inquisicōm ad p̄m diem allocet^r ei essoniū set ad alios dies sequentes p̄ essoñ nō differat^r capcio inquisicōnis siue prius habuit essoñ siue nō.

Nec admittat^r essoñ post diem datum prece parciū in casu quo partes cōsenciunt venire sine essoñ.

C. Cvm p̄ statutū Glouceſt̄ statuat^r qd̄ postq^ā tenentes semel comparuerint nō allocetur eis essoñ in breuibz assisaꝝ, eodem modo deceſo obſuet^r de petentibz.

De transgressione.

Breue de transgressione ad audiend^r & p̄minand^r deceſo nō concedat^r coram aliquibus Justiciaꝝ exceptis Justicī de vtroq. Banco & Justicī Itinerant̄ nisi p̄ enormi t^hnsg^osſione vbi necesse est festinū appoſte remediū, dñs Rex de speciali grā hoc duxit concedend^r. Nec eciam concedat^r deceſo b̄rē ad audiend^r & p̄minand^r appella coram Justiciariis assigñ nisi in speciali casu & certa causa dñs Rex hoc p̄cepit, set ne hui^omodi appellati vel indictati diu detineant^r in p̄sona h̄eant b̄rē de odio & atya sicut in magna Carta & aliis statutis d̄cm est.

De assignacione Justiciariorum in Comitatus.

Assignent^r deceſo duo Justicī iurati coram quibz & nō aliis capiant^r assie noue dissie mortis antecessor^r & attinete & associant sibi duos vt̄ vnū de disorecōribz militibz Com̄ in quem refūnt & capiant assisas p̄d̄cas & attinatas ad plus ter p̄ annū vidz semel in^l quindenam s̄ci Johis Bapt^r & gulam Aug^rti et iſum in^l festum Exaltacionis s̄cē crucis & octabis s̄ci Miſchis et P̄cio in^l festum Epip̄hie & festū Puř beate Marie et in quolibet Com̄ ad quālibet cap̄com anteq^ā recedant statuant diem de reditu suo ita qd̄ om̄es de Com̄ scire possint eoꝝ aduentum et de p̄mino in p̄minū adiornent assis si p̄ vocaꝝ. Waranti p̄ essoñ p̄ def̄cū recordū recōgnitor^r, si ad vnū diē capcio eoꝝ differatur. Et si aliqua de causa viderint qd̄ vtilis sit qd̄ assisa mortis antecessoris p̄ essoñ vel vocaꝝ. Waranti respectuante adiornent^r in Banco liceat eis hoc facē. Et tūc mittant Justicī de Banco recordum cū b̄rī originali. Et cum loquela pueniat^r ad cap̄com assie remittat^r loquela cū b̄rī originali p̄ Justicī de Banco ad priores Justicī coram quibz capiat^r assis, set deceſo dent Justicī de Banco in hui^omodi assis ad minus quatuor dies p̄ annū.

XXVII. After anyone shall have put himself upon an inquest, an essoin shall be allowed him at the next day; but at the other days following, the taking of the inquest shall not be delayed by essoin, whether he were essoined before, or not; nor shall any essoin be allowed after a day given *prece partium*, in case where the parties consent to come without essoin.

XXVIII. Whereas by the statute of Gloucester¹ it is provided, that after the tenants shall have once appeared, no essoin be allowed them in writs of assises; in like manner it shall be from henceforth observed of demandants.

XXIX. A writ of trespass, *ad audiendum & terminandum*, from henceforth shall not be granted before any justices, except justices of either Bench, and justices in eyre, unless it be for a heinous trespass, where it is necessary to provide speedy remedy, and the lord the King of his special grace has thought it good to be granted. And from henceforth a writ to hear and determine appeals before justices assigned shall not be granted, except in a special case and for a cause certain the lord the King shall have commanded it. But lest the parties appealed or indicted be kept long in prison, they shall have a writ *de odio & atia*, as it is declared in Magna Charta and other statutes.

XXX. From henceforth two Justices sworn shall be assigned, before whom, and not others, assises of *novel disseisin*, *mord'ancestor*, and *attaint* shall be taken, and they shall associate with them one or two of the most discreet knights of the county into which they shall come; and they shall take the aforesaid assises and attaints, at the most, thrice in the year; that is to say, once between the quinzaine of Saint John the Baptist and the gule of August; and again, between the feast of the Exaltation of the Holy Cross, and the utes of saint Michael; and the third time, between the feast of the Epiphany and the feast of the Purification of St. Mary; and in every county, at every taking of assises, before their departure, they shall appoint the day of their return, so that every one of the county may know of their coming. And shall adjourn the assises from term to term, if the taking of them be deferred at any day by vouching to warranty, by essoin, or by default of recognitors. And if for any cause they see that it be profitable that assisee of *mord'ancestor*, being respited by essoin or vouching to warranty, ought to be adjourned into the Bench, it shall be lawful for them to do it. And then they shall send the record with the original writ to the justices of the Bench; and when the plea is come to the taking of the assise, the justices of the Bench shall remit the plea with the original writ to the former justices before whom the assise shall be taken. But from henceforth the justices of the Bench in such

¹ Properly Westminster I. (see c. 42).

Coram p̄fatis Justiū assignū vt parcat^r laboribz & expēns atf̄minent^r inquisicōes capiende de transgressionibz placitatis coram Justiū de vtroq. Banco nisi ita enormis sit t̄nsgressio q̄d magna indigeat examinacione, atf̄minent^r eciam cor^r eis inquisiciones de aliis placitis placitatis in vtroq. Banco in quibz facilis est examinacio vt quando dedicit^r ingressus vel seisia alicui^r vel in casu cū de vno articulo sit inquirend. Set inquisicio de grossis placitis & pluribz articulis que magna indigent examinacione capiant^r coram Justiū de Bancis nisi ambe partes petant q̄d inquisicio capiat^r coram aliquibz de societate cum in partes illas vefint quod deceō nō fiat nisi p̄ duos Justiū vel vnū cū aliquo milite de Coī in quē p̄tes consenciūt nec atf̄minent^r hui^rmodi inquisicōes coram aliquibz nisi statuat^r & us dies & locus in Coī in p̄sencia parciū & dies & locus iserant^r i b̄ri de Judiō p̄ hec verba. Precipim^r tibi q̄d veni^r faē coram Justiū apud Westm in octabis sc̄i Michis nisi talis & talis tali die & loco ad p̄tes illas venerint xij &c. Et cū hui^rmodi inquisicōes capte fuerint retornent^r in Bancis & ibi fiat iudiciū & inirrotulent^r. Et si omissa forma predicta aliq̄e inquisicōes capiant^r p̄ nullis habeant^r excepto q̄d assisa vltime p̄sentacionis & inquisicōes sup quare impedit attermineat^r in pprio Coī coram vno Justiciař de Banco & vno milite ad &tos tamen diem & locum in Banco statutos siue defendens cōsenciāt vel nō & ibi statim reddatur iudiciū. Heant de ceō oīnes Justiū de Bancis & Itifibz chicos irrotulantes omnia placita coram eis placitata sicut antiquit^r h̄re consuefūt.

Ne Justiū
compellant
Juratores.

Iteum ordinatum est q̄d Justiū ad assisas capiend assignati nō compellant Juratores d̄re precise si sit disseisit^r vel nō dūm^r voluerint diē veritatem f̄ci & p̄fē auxilium Justiū, set si sponte velint diē q̄d disseisit est vel nō admittat^r eos dēm s̄b suo pičlo. Et deceō nō ponant Justiū in assisis aut Juratis aliquos Juratores nisi eos qui ad hoc p̄mo fuerint sūmoniti.

De excepcōnibus
propositis non
allocatis.

Cvm aliquis implacitat^r coram aliquibz Justiū p̄ponat excepcōm & petat q̄d Justiciař eam allocent quam si allocare noluerint si ille qui excepcōm p̄ponit scribat illam excepcōm

assises shall give four days at the least in the year. Inquisitions to be taken of trespasses pleaded before the justices of either Bench shall be determined before the said justices assigned, to spare labour and expense,¹ except the trespass be so heinous that it shall require great examination; inquisitions also of other pleas pleaded in either Bench, shall be determined before them, in which the examination is easy, as when the entry or seisin of any is denied, or in case when one article is to be inquired of; but inquisition of great pleas and many articles, which require great examination, shall be taken before the justices of the Benches, unless both parties desire that the inquisition be taken before some of the associates when they shall come into those parts; so that from henceforth it shall not be done but by two justices, or one, with some knight of the county, upon whom the parties agree; and such inquisitions shall not be determined before any, unless a day and a place certain be appointed in the county, in presence of the parties, and the day and place inserted in a writ of judgment in these words:—*Praecipimus tibi quod venire facias coram justiciariis apud Westmonasterium in octabis Sancti Michaelis, nisi talis & talis tali die & loco ad partes illas venerint, duo-decim, &c.* And when such inquests be taken, they shall be returned into the Benches, and there shall judgment be given, and they shall be inrolled. And if any inquisitions be taken otherwise than after this form, they shall be of no effect, except that an assise of *darrein presentment* and inquisitions of *quare impedit* shall be determined in their own county before one justice of the Bench and one knight, at a day and place certain in the Bench assigned, whether the defendant consent or not, and there the judgment shall be given immediately. All justices of the Benches and in eyres from henceforth shall have clerks to inroll all pleas pleaded before them, as in old times they were wont to have.

And also it is ordained that the justices assigned to take assises shall not compel the jurors to say precisely whether it be disseisin or not, provided that they will tell the truth of the fact, and require aid of the justices; but if they will freely say that it is disseisin or not, their verdict shall be admitted at their own peril. And from henceforth the justices shall not put in assises or juries any other jurors than those who were summoned to the same at the first.

XXXI. When one that is impleaded before any of the justices alleges an exception, and prays that the justices will allow it, which if they will not allow, if he who alleged the exception write the said exception,

¹ See writ (Plea Roll, 5 Ed. II., m. 24, art. 102) directing enforcement of this chapter as to inquisitions of Trespasses, Co. Cork, Limerick and Tipperary.

et petat quod Justicē apponat sigillū suū in testimoniu, Justicē sigillū suū apponat et si vñus appoñe noluerit apponat alius de societate. Et si forte ad querimoniam de fco Justicē veniā fac dñs Rex record coram eo et illa excepcio nō inueniat in rotulo et querens ostendat excepcōm sciptam cū sigillo Justicē appenso; mandet Justicē quod sit ad Etum diem ad cognoscend sigillū suū vel dedicend. Et si Justicē sigillū suū dedice nō possit pcedat ad iudiciū scdm illam excepcōm put adm̄tēda esset v̄i cassanda.

De Religiosis Cvm religiosi et alie psone ec̄castice implacitent aliquē et implacitat⁹ fecit defaltam ob quam tenementum amittēdebeat quia Justicia⁹ hucusq timuerunt quod si implacitat⁹ fecit defaltam p collusionē vt cum petentes occasione statuti per titulum doni aut alterius alienacionis seisinam de teñ consequi nō possent per illam defaltam consequerent⁹ et sic fierit fraus statuto; ordinatū est p dñm Regē et concessum quod in hoc casu postq defalta fca fuerit inquirat p priam vtrū petens heat ius in sua peticione aut nō. Et si comptū ffit quod pdcs petēs ius habuerit pcedat⁹ ad iudiciū p petente et recuperet seisinam suam, et si ius nō habuerit incurrat⁹ teñ pximo dno feodi si illud petat infra annū a tempore inquisitionis capte. Et si infra annū nō petat; supiori dno incurrat⁹ si petat infra dimidiū post illū annū. Et sic heat quilibz dñs post p̄m dñm spacium dimidii anni ad petend successionē quousq puciat⁹ ad Regem cui ad vltimū p defectu alioz dnoz tenementū incurrat⁹. Et ad calumpniand Juratores inquisitionis admittant⁹ quicūq capitales dñi feodoz et simili⁹ p Rege q̄i calūpniare voldit. Et remaneat terra postq iudiciū clarū ffit in manū dñi Regis quousq teñ p petente vel p aliquē capitale dñm disronet⁹ et ofletur vič ad respondend ad sc̄m.

De hiis qui erigunt cruces in tenementis suis. Qvia multi tenētes erigunt cruces in teñ suis aut erige pmittūt in pjudiciū dnoz suoz vt tenētes p p' uilegia templarioz et hospitalarioz tueri se possent cont⁹ capitales dnos feodoz; statutum est quod hui⁹modi teñ capitalibz dñi⁹ aut Regi incurrant⁹ eodem modo quo statuit⁹ alibi de teñ alienatis ad manum mortuam.

and require that the justice affix his seal in testimony, the justice shall affix his seal; and if one will not, another of his fellows shall affix it. And if the lord the King, upon complaint of what the justices have done, cause the record to come before him, and that exception be not found in the roll, and the plaintiff shew the exception written, with the seal of a justice affixed, the justice shall be commanded to appear at a certain day, to confess or deny his seal; and if the justice cannot deny his seal, they shall proceed to judgment according to the said exception, as it ought to be allowed or disallowed.

XXXII. When men of religion and other ecclesiastical persons im. As to Religious persons. plead anyone and the party impleaded shall have made default, whereby he ought to lose the tenement, forasmuch as the justices have hitherto feared that if the party impleaded shall have made default by collusion, that where the demandants, by occasion of the statute, could not obtain seisin of the tenement by title of gift, or other alienation, he should obtain it by reason of the default, and so fraud would be done by statute; it is ordained by the lord the King, and granted, that in this case, after default shall have been made, it be inquired by the country, whether the demandant have right in his petition, or not; and if it be found that the said demandant shall have had right, that it pass to judgment for the demandant, and he recover his seisin; and if he have not right, that the tenement accrue to the next lord of the fee, if he demand it within a year from the time of the inquest taken; and if he do not demand it within the year, it accrue to the next lord above, if he demand it within half a year after that year. And so every lord after the next lord may have the space of half a year to demand it successively, until it come to the King, to whom at length, through default of other lords, the tenement shall accrue; and to challenge the jurors of the inquest, that each of the Challenge of the jurors. chief lords of the fees be admitted, and likewise he who wills to challenge for the King; and after judgment shall be clear, the land remain in the King's hand, until the tenement be deraigned by the demandant, or some other chief lord, and the sheriff be charged to answer at the Exchequer.

XXXIII. Forasmuch as many tenants set up, or permit to be set up, crosses in their tenements, in prejudice of their lords, in order that the tenants may defend themselves against the chief lords of the fees, by the privileges of Templars and Hospitallers; it is ordained, that such tenements be forfeited to the chief lords, or to the King, in the same manner as is provided elsewhere as to tenements aliened in mortmain.

Of those who set up crosses in their tenements.

De mulieribus et pueris raptis. Purueu est q si home rauist femme espouse damoyselle ou autre femme desoremes p la ou ele ne se est assentue ne auaunt ne apres, eit iugement de vie & de membre. Et ensement par la ou home rauist femme dame espouse damoyselle ou autre femme a force; tut seit q ele se assente apres, eit tel iugement come deuaunt est dit si il seit ateint a la suite le Rey & la eyt le Rey sa suite.

De mulieribus abductis. De mulieribz abductis cum bonis viri heat Rex sectam de bonis sic asportatis. Et vxor si sponte reliquerit virum suum & abierit & moretr cum adultero suo amittat imppetum actionem petendi dotem suam que ei compere posset de teñ pdcii viri sui si sup hoc conuincat, nisi vir suus sponte & absq; coiacione ecclastica ea reconciliet & secum cohitare punitat, in quo casu restituatur ei actio.

De monialibus abductis. Qui monialem a domo sua abducatur, licet monialis consenciat puniat p psona trium annoz & satisfaciat domui a qua abducta fuit competen^r & nichilomin^r redimat ad voluntatem Regis.

De pueris siue masculis. De pueris siue masculis siue femelit quo^r maritagiū ad aliquē ptineat raptis & abductis & ille qui rapuit nō habens ius in maritagio, licet post restituat puerum nō maritatum vel de maritagio satisfedit, puniat tamen p tnsgressione p prisonam duo^r annoz. Et si nō restituit vel heredem post annos nubiles maritadit & de maritagio satisfae nō posuit, abiuret regnum vel habeat ppetuam psonam. Et sup hoc habeat querens tale breue. Si A. fecit te secu^r & cō pone p vad & cō B. qd sit corā Justicū nris tali die ostens quare talem heredem infra etatem existente cui^r maritagiū ad ipm ptinet tali loco inuentum rapuit & abduxit cont^a voluntatem ipius A. & cont^a pacem & cō. Et si heres sit in eodem Comū tūc addat^r ista clausula. Et diligenter inquiras vbi ille heres est in Balliuua tua & ipm vbiq; fuerit inuent^r capias et saluo & secure custodias ita qd eum heas coram pfsatis Justicū nris ad pfatū lminum ad reddend^r cui pdcōz A. vel B reddi debeat. C. Et fiat secta versus partem de q^a quer quousq; per distinctionē vefit si heat p quod distringi posuit

XXXIV. It is provided, that if a man from henceforth do ravish a ^{Rape of} ~~women and~~ married woman, a maid, or other woman, where she did not consent, ^{girls.} either before or after, he have judgment of life and of limb; and likewise where a man ravishes a woman, married lady, maid, or other woman, with force, although she consent after, that he have such judgment as before said, if he be attainted at the King's suit, and there the King have his suit.

Of women carried away with the goods of a husband, the King ^{Of women} shall have the suit for the goods so taken away. And if a wife willingly leave her husband, and go away, and continue with her adulterer, she shall be barred for ever of action for demanding her dower, that she ought to have of her said husband's tenements, if she be convict thereupon, unless her husband willingly, and without coercion of the church, become reconciled to her, and suffer her to dwell with him; in which case action shall be restored to her.

He who carries away a nun from her house, although the nun ^{Taking away} ~~nun.~~ consent, shall be punished by three years' imprisonment, and shall make suitable satisfaction to the house from whence she was taken, and nevertheless shall make fine at the King's will.

XXXV. Concerning children, male or female, taken and carried ^{Taking away} ~~children.~~ away, whose marriage belongs to any person, if the ravisher have no right in the marriage, though afterwards he restore the child unmarried, or else shall have made satisfaction for the marriage, he shall nevertheless be punished for his offence by two years' imprisonment. And if he shall not restore, or shall have married the heir after marriageable years, and be not able to satisfy for the marriage, he shall abjure the realm, or have perpetual imprisonment; and thereupon the plaintiff shall have such a writ:—*Si A. fecerit te securum, &c.*, ^{Writ of} *pone per vadum, &c.*, *B. quod sit coram justiciariis nostris tali* ^{ravishment of} *ward.* *die ostensurus, quare talem haeredem infra aetatem existentem, cuius* *maritagium ad ipsum pertinet, tali loco inventum rapuit & abduxit* *contra voluntatem ipsius A. & contra pacem, &c.* And if the heir ^{In the proper} be in the same county, then this clause must be thereto added:—*Et* ^{county.} *diligenter inquiras, ubi ille haeres est in balliva tua; & ipsum* *(ubicunque fuerit inventus) capias & salvo & secure custodias, ita quod* *cum habeas coram praefatis justiciariis nostris ad praefatum terminum,* *ad reddendum cui praedictorum A. vel B. redi debeat. And let suit* *be made against the party of whom complaint is made, until he shall*

vel p cōtumaciam si nō sit iusticiabilis exigat^r & vtlaget^r. Si forte hui^omodi heres ducat^r & transferat^r in alium Com^m tūc vič illius Com^m fiat bre sub hac forma. C. Questus est nobis A. qd B. nup talem heredem infra etatem & in custodia sua existentē tali loco in Com^m tali rapuit & de Com^m illo ad talem locum in Com^m tuo abduxit cont^a voluntatem ipius A. & pacem nram. Et ideo tibi p̄cipim^r qd pdcm heredē vbiq^u eum in Balliuua tua inueniri potis capias & saluo & secure eum custodias ita qd eū h̄eas corā Justiū nris tali die & loco quē diem idem A. habet versus pdcm B. ad reddend^r cui de iure reddi debeat. Et si heres anteq^a inueniri potit vel ainq^a restituat^r querenti obierit nichilomin^r pcedat placitum in^l eos quousq^u p̄minet^r cui restitui deberet si supetes fuisse nec excusabit^r aut alieniabit^r ille qui iuiste rapuit hui^omodi heredem de pena sup^adca post mortē heredē cui extitit male fidei possessorum vixit. Et si querens obierit ante placitū p̄minatū si ius ei competebat ratione pprii feodi sui resūmoneat^r loquela ad sectam heredē querentis & pcedat placitum debito ordine, si ver^r p alium titulum dno^l competat ei ius sicut titulo donacionis vendicionis aut alio hui^omodi titulo; tūc resūm loquela ad sectā executo^r querentis & pcedat placitū vt pdcm est. Eodem modo si moriat^r pars defendens anteq^a placitum p̄minet^r vel heres restituat^r, pcedat placitum p resūmo^l in^l querentem vel eius heredem seu executores & executores defendantis vel eius heredem si executores nō sufficiant quo ad satisfactōm de valore maritaggi scdm quod in aliis statutis continetur, set nō quo ad penam prisone qua quis p alieno fco nō est puniendus. Eodem modo cum pendeat placitum in^l partes de custodia terre vel heredis vel vt usq^u p cōe bre quod incipit. Precipe tali qd reddat & fiat resūm in^l heredes & executores querentis. Et similiter heredes aut executores defendantis si mors alteram partem pueniat ante placitum p̄minatum. Et cum pueniatur ad magnam distric^o detur p̄minus infra tres Comitat^r teneant^r ad minus. In quo^x

¹ This word does not occur in other MSS.

come in by distress, if he have whereby he may be distrained ; or else for his contumacy, if he be not brought to justice, he shall be proclaimed and be outlawed. If perchance such heir be carried ^{Writ, if heir carried into another county} and transferred into another county, then a writ shall be made to the sheriff of that county in this form :—*Quæstus est nobis A. quod B. nuper talem haeredem infra aetatem & in custodia sua existentem tali loco in comitatu tali rapuit, & de comitatu illo ad talem locum in comitatu tuo abduxit contra voluntatem ipsius A. & pacem nostram. Et ideo tibi præcipimus, quod prædictum haeredem (ubicunque eum in ballivâ tua invenire poteris) capias, & salvo & secure eum custodias, ita quod eum habeas coram justiciariis nostris, tali die & loco quem diem idem A. habet versus prædictum B. ad reddendum cui de jure reddi debeat.* And if the heir die before he can be found, or before he can be restored to the plaintiff, nevertheless the plea shall proceed between ^{Death of heir before suit ended.} them, until it be decided to whom he ought to have been restored if he had been living ; neither shall he who unjustly ravished such an heir be excused or relieved of the punishment aforesaid after the death of the heir, whom he became possessed of by wrong while he lived. And if the plaintiff die before the plea be determined, if the right belonged to ^{Death of plaintiff.} him by reason of his proper fee, the plea shall be resummoned at the suit of the heir of the plaintiff, and the plea shall proceed in due order ; but if the right belong to him by another title, as by a title of gift, sale, or other such like title, then the plea shall be resummoned at the suit of the executors of the plaintiff, and the plea shall proceed as before-said.

In the same manner if the defendant die before the plea be tried, ^{Death of defendant.} or the heir be restored, the plea shall proceed by resummons between the plaintiff, or his heir or executors, and the executors of the defendant, or his heir, if the executors be not sufficient to satisfy for the value of the marriage, according as it is contained in other statutes, but not as to the penalty of imprisonment, for none ought to be punished for the offence of another. In the same manner when a plea is pending ^{Resummons in communitate custodiarum.} between parties as to custody of land, or of an heir, or of both, by the common writ which begins *Præcipe tali, quod reddat, etc.*, resummons shall be made between the heirs and executors of the plaintiff, and likewise the heirs or executors of the defendant, if death prevent the other party before the plea is determined ; and when it has passed to the great distress, a term shall be given, within which three county

quolibet Comitatu fiat publica p̄clamacio q̄d defor̄c veniat ad Bancū ad diem in b̄ri contentū respon̄s querenti. Ad quem diem si nō vefit & p̄clamacio fit semel sc̄do & f̄cio testificata fuerit, p̄cedatur ad iudiciū p̄ querenti saluo iure defendantis si postmod̄ inde loqui voluerit. Eodem modo fiat in b̄ri de t̄naggressione cum quis querit^r se electum fuisse de hui^rmodi custod̄.

De pro-
curantibus
placita per
maliciam.

Qvia dñi Cuř & alii qui Curias tenent & senescalli volentes grauare subditos suos cum nō h̄eant legale viam eos grauandi p̄curant alios mouere querelas vers^r eos & dare vad̄ & offerre plegios vel impetr^re b̄ria & ad sectas hui^rmodi querenciū compellunt eos sequi Coři Hundř & Cuř quoq; finē fecint cū iþis p̄ voluntate sua; statutū est q̄d hoc deceþo nō fiat. Et si aliquis p̄ hui^rmodi falsas querimonias fuit attachiatus replegiet distric̄com suā sic captam & poni faciat loquela corā quibz si vič vel alius Balliuus vel dñs postq^r sic districtus formatit querimonia aduocauerit distric̄com iustum ſone hui^rmodi querimoniaz coram eis f̄caz & replicet^r q̄d hui^rmodi querimonia versus eos mouebant^r maliciose ad instanciam seu p̄curaþom vič vel alioz Balliuoþ aut dnoþ admittat^r illa replicaþo. Et si sup hoc conuicti fuit versus dñm Regem redimant^r & nichilomin^r hui^rmodi sic grauatis dampna in triplo restituant.

Quod dis-
trictio fiat per
Balliuos
notos.

Qvia eciam Ballui ad quos ex officio p̄tinet distric̄cones faþe grauare volentes subditos suos vt ab eis pecuniam extorqueant mittunt ignotos ad faciend̄ distric̄coes ea intencione vt subditos grauare possent p̄ hoc q̄d sic districti nō h̄entes noticiā p̄sonaz nō p̄mittūt hui^rmodi distric̄cones sup eos fieri; statutū est q̄d nulla distric̄cio fiat nisi p̄ Balliuos Juř & notos. Et distingentes si alio modo fecint & de hoc cōuicti fuit si ḡuati b̄re de t̄naggressione impetuerint restituant grauatis dampna et v̄s^r Regem graui^r puniant^r.

De hiis qui
debent poni
in assisia.

Qvia eciam vicecomites hui^rmodi¹ Bæti liþstatum consueþunt grauare subditos suos ponendo in assiis Juř homines languidos

¹ The English Statute Roll reads "hund" here.

courts at the least may be held, in every of which open proclamation shall be made, that the deforcer come into the Bench at the day contained in the writ, to answer the plaintiff; at which day if he come not, and the proclamation be so returned once, twice, and thrice, the judgment shall pass for the plaintiff, saving the right of the defendant, if afterwards he wishes to plead thereof. In the same manner it shall be done in a writ of trespass, when anyone complains that he was ousted from such custodies.

XXXVI. Forasmuch as lords of courts, and others who hold courts, and seneschals, intending to harass their tenants, where they have no lawful means of harassing them, procure others to move complaints against them, and to give gages and offer pledges, or to purchase writs, and at the suit of such plaintiffs compel them to follow the county, hundred, and courts, until they shall have made fine with them at their will; it is ordained, that it be not henceforth so done, and if any be attached upon such false complaints, that he replevy his distress so taken, and cause the plea to be brought [before the justices], before whom if the sheriff, or other bailiff, or lord, after that the party distrained shall have framed his plaint, will avow the distress lawful by reason of such complaints made before them, and it be replied that such complaints were moved maliciously against them by the solicitation or procurement of the sheriff, or other bailiffs, or lords, that replication shall be admitted; and if they be convict hereupon, that they make fine to the King, and nevertheless restore treble damages to the parties so injured.

XXXVII. Forasmuch also as bailiffs, to whose office it belongs to make distresses, intending to harass those within their jurisdiction that they may exact money from them, send strangers to make distresses, to the intent that they might harass such, by reason that the parties so distrained, not knowing such persons, will not suffer such distresses to be made upon them; it is provided, that no distress be made, but by bailiffs sworn and known. And if those restraining shall do otherwise, and thereof be convict, if the parties injured will purchase a writ of trespass, they shall restore damages to the parties injured, and be heavily punished towards the King.

XXXVIII. Forasmuch also as sheriffs, [hundreders], and bailiffs of liberties, have used to harass those within their jurisdiction by putting

Of those who
procure pleas
through
malice.

ejecione
custodie

*be made by
bailiffs known.*

*Persons who
ought to be
put in assises.*

decrepitos ppetua vel temporali infirmitate languentes homines eciam tempore sūmoniōnis sue in pria nō cōmorantes sūmonēdo eciam effrenatam multitudinē Juratoꝝ ita vt sic a quibz dā eos in pace dimittendo pecuniam extorqueant & sic fiunt assie & Juꝝ multociens p paupiores diuitibꝫ p suo dando domi cōmorantibꝫ; statutū est qd de ceꝝ nō sūmoneant in vna assis* plures qꝫ viginti quatuor senes ē videlicet vltra sexaginta & decem annos ppetuo languidi vī tempore sūmoniōis infirmi vel in patria nō cōmorantes nō ponant in Juratis vel in minoribꝫ assiis nec ecia ponant in assiis aut Juꝝ licet in ppō Com capi debeant aliqui qui min⁹ teñ teneant qꝫ de valore viginti solidōꝫ p annū. Et si hui⁹modi assise & Jurate extra Comitatū capi debeant, nō ponant in eis aliquis qui minus tenementū habeat qā ad valenciam Quadraginta solidōꝫ p annū illis exceptis qui testes sunt in Cartis vī aliis scriptis quoꝫ p̄sencia posita⁹ est dum tamen potentes sint ad laborandū. Nec debz istud statutū extendi ad magnas assisas in quibꝫ optet aliquando posse milites in pat̄a nō residentes ppō paucitatē militum dum tamen teñ in Com hēant. Et si vicecomites vī subvič sui seu Baſi lib̄tatū cont⁹ istud statutū in aliquo articulo veflīt & sup hoc cōuincant, restituant dampna grauatis et nichilomin⁹ sint in mīa Regis; et hēat Justič ad assis⁹ capiend⁹ assignati cū in Com veflīt potestatem audiendi querimonias singuloꝫ cōquerenciuꝫ quo ad articulos in isto statuto contentos & iusticiam in forma p̄dīa exhibend⁹.

De vicecomitiibus male retornantibus breuia.

Qvia Justič ad quoꝫ officiū spectat vnicuiq coram eis placitanti iusticiam exhibere frequencius impediunt quo min⁹ officiū suū debito modo exequi possunt p hoc qd vič breuia originalia & iudicialia nō retornant p hoc ē qd ad breuia Regis falsum retornant responsum puidit dñs Rex & ordinavit qd illi qui timent maliciā vič liberent breuia sua originalia & iudicialia in pleno Com vī in retro Com vbi fit collectio denarioꝫ dñi Regis & capiat billettū de vič p̄sente

in assises and juries men diseased, decrepit, or having chronic or temporary sickness, also men who dwelt not in the country at the time of their summons, and also by summoning an unreasonable number of jurors, to extort money from some of them for letting them go in peace, and so the assises and juries pass many times by poor men, while the rich men abide at home by reason of their bribes ; it is ordained, that from henceforth in one assise no more be summoned than twenty-four ; and that old men, above threescore and ten years, men continually sick, or infirm at the time of the summons, or not dwelling in that country, be not put in juries or petit assises ; nor that any be put in assises or juries, though they ought to be taken in their own county, who hold a tenement of less value than twenty shillings yearly. And if such assises and juries ought to be taken out of the county, none be placed in them who have a tenement worth less than forty shillings yearly, except such as are witnesses in charters or other writings, whose presence is necessary, provided they are able to work. Nor ought this exception as to great assizes.

XXXIX. Forasmuch as justices, to whose office it belongs to minister justice to each one suing before them, are many times hindered in due execution of their office, because sheriffs do not return original and judicial writs ; and also because they make false return to the King's writs ; the lord the King has provided and ordained, that those who fear the malice of sheriffs, deliver their writs original and judicial in the full county court, or in the rere county court, where the collection of the King's money is made ; and a bill be taken of the sheriff, being present,

vt subvič in quo biletto contineant^r noia parciū & tenementoꝝ que noian^r in bři. Et ad requisičom illius qui bře liberauit apponat^r sigillū vič vt subvič in testimoň & fiat mencio de die liberačonis breuis. Et si vicecomites vt subvič hui^rmodi biletto sigilla sua apposie nolunt, capiat^r testimoniu militum & alioꝝ fidedignoꝝ qui p̄sentes fūnt qui sigilla sua hui^rmodi biletto apponant. Et si vič břia sibi liberata nō retornauit & sup hoc ad Justič pueniat querimonia mandet^r per breue de Judicio Justič ad assis^s capiend^r assigñ qđ inquirant p̄ eos qui p̄sentes fūnt quando bře vič liberatū fuit si sc̄bunt de illa liberačone & inquisicio retornet^r. Et si comptū fūit p̄ inquisicio qđ bře ei fuit libatū adiudicent^r petenti vel querenti dampna habito respectu ad quantitatē & qualitatē actionis & ad piculum quod ei euenire posset p̄ dilačom quā paciebat^r. Multociens eciam capiunt placita ditonem p̄ hoc qđ vič respondet qđ p̄cepit Bařis alicui^r libertatis qui nichil fecunt & nōiat libtates que nūq^h returnū břiū habuerunt pp̄l quod ordinauit dñs Rex qđ Thesaurarius de sc^rcio liberet in rotulo omnes libtates in quibzūq Comitatibz que habent returnū breuiū. Et si vič respondet qđ returnū fecit Balliuis alterius libtatis q^h alicui^r contente in p̄dčo rotulo statim puniat^r vič tamq^h exheredator Regis & Corone sue. Et si forte respondet qđ returnauit Bařis alicui^r libtatis que veracit^r returnū habet mandet^r vič qđ nō omittat pp̄l p̄dčam libtatem quin exequat^r p̄ceptū dñi Regis, et qđ scire faciat Bařis quibz fecit returnū qđ sint ad diem in bři contentū ad respondend^r q^hre de p̄cepto dñi Regis execucōm nō fecunt. Et si ad diem vefint & se acq^retent qđl returnū nō fuit eis fčm, statim condampnet^r vič dño illius libtatis & siſr parti lese p̄ ditonem in restitučom dampnoꝝ. Et si Baři ad diem nō venerint vel vefint & sup^hdčo modo se nō acq^retaſint in quolibet bři de iudicio q^hdiu durat placitū p̄cipiat^r vič qđ nō omittat pp̄l libtateꝝ. Multociens ecia falsum dant responsum quo ad illū articulū qđ de exitibz &c mandantes aliquando & mēcientes qđ nulli sunt exitus aliquando qđ parui sunt exitus cū de maioribz respondere

or undersheriff, in which bill the names of the parties and tenements named in the writ shall be contained: and that at the request of him who delivered the writ, the seal of the sheriff or undersheriff be put in testimony, and mention be made of the day of the delivery of the writ. And if the sheriffs or undersheriffs will not put their seals to such bill, the testimony of the knights and other credible persons who shall be present, who put their seals to such bill, be taken. And if the sheriff shall ^{Remedy for} ~~non-return of~~ not have returned writs delivered to him, and complaint thereof come to writs. the justices, that a writ of judgment go to the justices assigned to take assises, that they inquire by those who were present at the delivery of the writ to the sheriff, if they knew of that delivery, and an inquest be returned. And if it be found by the inquest, that the writ was delivered to him, that damages be awarded to the demandant or plaintiff; having respect to the quantity and quality of the action, and to the peril that might have come to him by reason of the delay that he sustained. [And that by this means there be remedy, when the sheriff returns that the writ came so late, that he could not execute the King's commandment.]¹

Oftentimes also pleas are delayed by reason that the sheriff returns ^{Where a} ~~liberty is~~ that he has commanded the bailiffs of some liberty who did nothing returned, therein, and names liberties that never had the return of writs; whereupon the lord the King has ordained, that the treasurer of the Exchequer deliver [to the justices] in a roll, all the liberties in all counties that have return of writs. And if the sheriff answer that he has made return to the bailiffs of another liberty than of any contained in the said roll, the sheriff be forthwith punished as a disheritor of the lord the King and his crown. And if perchance he answer that he has made return to the bailiffs of some liberty that indeed has return, the sheriff be commanded, that he omit not by reason of the aforesaid liberty, but execute the lord the King's precept; and that he cause the bailiffs to whom he made return to know that they be ready at a day contained in the writ, to answer wherefore they did not execute the lord the King's precept; and if they shall come at the day, and acquit themselves, that no return of the writ was made to them, the sheriff be forthwith condemned to render damages to the lord of that liberty, and likewise to the party injured by the delay. And if the bailiffs shall not come at the day, or shall come and not acquit themselves, in manner aforesaid, in every writ of judgment, so long as the plea depend, the sheriff be commanded that he omit not by reason of the liberty, &c.

Many times also [sheriffs] make false return as touching this article, ^{Sheriffs' false} ~~return of~~ ^{return of} *quod de exitibus, &c.*, returning sometimes, and lying, that there are no ~~issues~~ issues.

¹This sentence which is not in the Red Book is from the English Statute Roll.

possint, aliquando nō facientes mencionē de exitibz, pp^l quod ordinatū est & cōcordatum qd si querens petat auditum responsonis vič, concedatur ei. Et si offerat verificare qd vič de maioribz exitibz respondere potuit, fiat ei bře de Judicio ad Justič ad assisas capiendas assigñ qd inquirant in fſencia vič si infesse volbit de quibz & quantis exitibz vič respondere potuit a die recepcionis břis vsq ad diem in breui contentū. Et cum inquisicio retornata fuit si de pleno prius non respondit ofet^r de supplusagio p extractas libatas ad sc^ocm & nichilomin^r grauiter afficit^r p concelemento. Et sciat vič qd redditus blada in grangia & om̄ia mobilia preter equitaturā indumenta & vtensilia dom^r continet^r sub nōie exituū. Et pcept^t dñs Rex qd vič p hui^omodi falsis responsis semel & iterum si sit necesse castiget^r p Justič. Et si tertio deliquerint aliis nō apponat manū q^u dñs Rex. Multoc̄ies eciam falsum dant responsum mandando qd nō potūt psequi pceptū Regis pp^l resistenciam potestatis alicui^o magnatis, de quo caueant vicecoī deceō quia hi^omodi responsio multū redundant in dedecus dñi Reg^r; & q^ucito sub Balliui sui testificantur qd inuenierūt hui^omodi resistenciam, statim om̄ibz omissionis assūpto secū posse Com^r sui eat in ppria psona & faciat execucōm. Et si inueniat sub Balliis suos mendaces puniat eos p prisonam ita qd alii p eoz penam castigent^r. Et si inueniat eos veraces, castiget resistentes p p'sonam a qua nō deliberent^r sine speciali pcepto dñi Regis. Et si forte cum vič verbit resistenciā inuenit & tifacet Curiam de nōibz resistenciū auxilianciū consencienciū p̄cipienciu & fautoz & p bře de iudicio attachent^r hui^omodi p corpora ad veniend ad Cuř. Et si de hi^o resistencia cōuincant^r puniant^r scdm qd dno Regi placbit, nec intromittat se aliquis minister dñi Reg de pena hui^omodi infligenda q dñs Rex hoc sibi spali^r reseruat p eo qd hui^omodi resistentes censem^r pacis sue & regni sui pert^rbatores.

De iure
alienato per
virum.

Cvm quis alienet ius vxoris sue, concordatum est qd deceō secta mulieris aut eius heredis nō differat^r post obitū viri p minorē etatē heredis qui Warantizare debet set expectet emptor qui ignorare nō debuit qd ius alienū emit vsq ad etatē Waranti sui de Warantia sua habenda.

issues, sometimes that the issues are small when they might return great, and sometimes not making mention of any issues; wherefore it is ordained and agreed, that if the plaintiff demand hearing of the sheriff's return, it be granted him; and if he offer to aver that the sheriff might have answered of greater issues, that he have a writ of judgment to the justices assigned to take assises, that they inquire in presence of the sheriff, if he wish to be there, of what and how great issues the sheriff might have answered from the day of the receipt of the writ unto the day contained in the writ. And when the inquest shall have been returned, if he have not before answered for the whole, that he be charged with the overplus by estreats delivered in the Exchequer, and nevertheless be heavily amerced for the concealment. And let the sheriff know that rents, corn in grange, and all movables, except harness, clothing, and household stuff, be contained under the title of *Issues*. And the lord the King commands, that sheriffs be punished by the justices once and again if need be, for such false returns; and if they offend a third time, none other than the lord the King shall apply his hand. They make also many times false answer, returning that they could not execute the King's precept on account of the resistance of some great man; whereof let the sheriffs beware from henceforth, for such answer redounds much to the dishonour of the lord the King; and as soon as his under-bailiffs testify that they shall have found such resistance, forthwith everything being laid aside, taking with him the *posse comitatus*, let him go in his own person and make execution; and if he find his under-bailiffs false, let him punish them by imprisonment, so that others by their punishment may be corrected; and if he find them true, he shall punish those who resist by imprisonment, from whence they shall not be delivered without the lord the King's special commandment. And if perchance the sheriff, when he shall have come, find resistance, he shall certify the court of the names of the resisters, aiders, consenters, commanders, and favourere, and by a writ of judgment such shall be attached by their bodies to come to the court; and if they be convicted of such resistance, they shall be punished at the King's pleasure. Neither shall any officer of the lord the King intermeddle in assigning such punishment, for the lord the King specially reserves it to himself, because those who so resist are reputed disturbers of his peace and realm.

XL. Where anyone aliens the right of his wife, it is agreed that from henceforth the suit of the woman, or her heir, after the death of the husband, be not delayed by the nonage of the heir who ought to warrant, but let the purchaser, who ought not to have been ignorant that he bought another's right, wait to have his warranty until the full age of the warrantor.

What shall be accounted issues.

Resistance of execution of process.

Punishment thereof.

**De tenementis
datia in
elemosinam
alienatis.** Statuit dñs Rex qd si Abbes Piores Custodes hospitaliū & aliaꝝ domoꝝ Religioſaꝝ fundataꝝ ab ipo vel a pgenitoribꝫ suis alienauerint deceſto teñ domibꝫ ipis ab ipo vel a pgenitoribꝫ suis collata teñ illa in manū dñi Regis capiant & ad voluntatē suam teneant & emptor amittat suū recuperare tā de teñ qā de pecunia quā pacauit. Si autē domus ille a Comitibꝫ Baronibꝫ vel aliis fundate fuerint de teñ sic alienatis heat ille a quo vel a cui⁹ antecessoribꝫ teñ sic alienatū collatū fuerit, b̄re ad recuperandū teñ in dñico quod tale est.

C. Precipe tali Abbatii qd iuste &c reddat B. tale teñ quod eidem domui collatū fuerit in liberam elemosinam p ſdcm B. vel antecessores suos et qd ad ſdcm B. reſuti debet p alienaꝝ com quā ſdcs Abbas fecit de ſdco teñ cont⁹ formā collacionis ſdce vt dicit. Eodem modo de teñ dato p cantaria sustentanda vt luminari in aliqua ec̄ca vel Capella vel alia elemosina sustentanda si teñ sic datū alienet. Et si forte teñ sic datum p cantaria luminari potura paupū vel alia elemosina facienda nō fuerit alienatum set subtracta fuit hui⁹modi elemosina p bienniū competit accio donatori aut eius heredi ad petend teñ sic datum in dñico sicut statutū est in statuto Glouceſtr de teñ dimissis ad faciend vel reddend quartam partem valoris tenementi vel maioris.

**De marescallis
et aliis
ministris
domini Regis.** De Marescallis dñi Regis de feodo, Camerariis, Custodibꝫ hostioꝝ in Itiſle Justic⁹ & ſuientibꝫ virgam portantibꝫ coram dñi Regis. Justic⁹ apud Westm qui illud habent de feodo qui plus exigunt racione feodi sui quā exige consueurū ſcdm qd multi querunt p eos qui statum Cuſ a multo tempore viderunt & sciunt dñs Rex inquiri fecit quē statum ſdci ministri de feodo h̄re quieſciunt temporibꝫ retroactis. Et p inquisiciones statuit & pcepit qd marescallus de feodo qui de nouo exigit palefridum de Comitibꝫ & Baronibꝫ & aliis p ptem Baronia tenentibꝫ palefridum quando homagiū fecerunt & nichilomin⁹ ad miliciam eoꝝ alium palefrid. Et de quibꝫ de quibꝫ palefridū h̄re nō debuit, palefridū de novo exigit ordinavit qd ſdcs marescallus de quolibet Comite & Barone

XL. The lord the King has ordained, that if abbots, priors, wardens of tenements given in alms. of hospitals and other religious houses founded by him or by his progenitors, from henceforth shall have aliened the tenements bestowed upon their houses by him or by his progenitors, those tenements be taken into the lord the King's hand, and held at his will, and the purchaser lose his recovery as well of the tenements, as of the money that he paid. And if the houses were founded by Earls, Barons, or other persons, that for the tenements so aliened, he by whom, or by whose ancestor, the tenement so aliened was bestowed, have a writ to recover the tenement in demesne, which is thus:—*Praecipe tali abbat, quod just, etc., reddat B., Writ of contra formam collationis.*
tale tenementum quod eidem domui collatum fuerit in liberam elemosinam collationis.
per praedictum B. vel antecessores eius, & quod ad praedictum B. reverti
debet per alienationem quam praedictus abbas fecit de praedicto tenemento,
contra formam collationis praedictae, ut dicit. In like manner for a tenement given for the maintenance of a chantry, or of a light in any church or chapel, or other alms to be maintained, if the tenement so given be aliened. But if the tenement so given for a chantry, light, sustenance of poor people, or other alms to be done, shall not be aliened, but such alms be withdrawn by the space of two years, an action lie for the donor or his heir to demand the tenement so given in demesne, as is ordained in the statute of Gloucester for tenements demised, to do or to render the fourth part of the value of the tenement or more.

XLII. Concerning the lord the King's marshals of fee, chamberlains, [Fees] of the door keepers in the eyres of the justices, and serjeants bearing the verge before the justices at Westminster, who have the same office in fee, who exact more by reason of their fee than they were wont to exact, according as many complain by those who have seen and known the order of the court for a long time; the lord the King has caused enquiry to be made, what position the said officers of fee were wont to hold in time past, and by inquest has ordained and commanded, that a marshal of fee, who anew exacts a palfrey of Earls and Barons, and others holding by a part of a Barony, when they have done homage, and nevertheless another palfrey when they are made knights, and exacts a palfrey of some that ought not to give one; he has ordained that said marshal From Earls and Barons. be content with one palfrey from every Earl and Baron, holding by

integralm Baroniam tenente de vnico palefrido sit contentus vel de precio quale antiquit⁹ de consuetudine p*ipe* cōsueuit. Ita qd si ad homagiū quod fe*ct* palefridū vel preciū in forma p*dcā* cepit ad miliciam suam nichil capiat. Et si forte ad homagiū nichil cepit, ad miliciā capiat. De Abbatibz & Prioribz integralm Baroniam tenentibz cū homagiū vel fidelitatē fe*ct* p Baronis suis capiat palefridū vel p*ciū* vt p*dcā* est. Hoc idem de Archiep̄is & Ep̄is ob*suand* est. De hiis autē qui partē Baronie tenent siue sint Religiosi siue seculares capiat scdm por̄com partis Baronie quā tenent. De Religiosis tenentibz in liberam elemosinam & nō p Baroniam vel p*tem* Baronie nichil dece*po* exigat marescallus & concessit dñs Rex qd p hoc statutū nō p*cludatur* marescallus suus de feodo in plus petendo si in posterū ostendere po*nt* qd ius h*eat* plus petendi. Camarii dñi Regis h*eat* dece*po* de Archiep̄is Ep̄is Ab*bb*ibz Prioribz & aliis psonis ec*casticis* Comitibz Baronibz integralm Baroniam tenentibz r*onabilem* finem cum homagiū aut fidelitatē p Baro*n* fe*ct*ūt. Et si ptē Baronie teneant capiant r*onabile* finē scdm por̄com ip̄os contingentē. Alii uero Ab*bb*es & Priors & Religiosi & seculares nō tenentes p Baroniam vel ptē Baronie nō dist*ingant* ad finē faciend scdm qd de tenentibz p Baroniam vel ptē Baronie d*cm* est, set sit Camarius de supiori indumento contentus vel de p*ciō* indumenti qd plus d*cm* est p Religiosis q*ā* secularibz, quia honestius est qd Religiosi faciant finē p supiori indumento q*ā* exuant.

De Conser-
uatoribus
Priuilegio-
rum.

Prohibeat^r dece*po* hospitalariis & Templariis ne dece*po* trahant aliquē in placitū coram Conseruatoribz priuilegioz suo*z* de aliqua re cui⁹ cognicio spectat ad forum Regiū, quod si fe*ct*int p*mo* restitutis dampnis parti grauate versus dñm Regē graui^r puniant^r. Prohibet & dñs Rex Conseruatoribz priuilegioz eo*z*dē ne dece*po* ad instanciam hospitalario*z* aut Templario*z* aut alio*z* priuilegiato*z* concedant citaciones priusq*ā* exprimat^r sup qua*z* re fieri debeat citacio. Et si viderunt hui⁹modi conseruatores qd petat^r citacio de aliqua re cui⁹ cognicio ad forū spectat regiū, huiusmodi conseruatores

an entire Barony, or with the price of it, such as he was wont to have of old by custom; so that if at the homage he shall have taken a palfrey, or the price, in form aforesaid, he take nothing when he is made knight; and if he shall have taken nothing at the homage, he take it when he is made knight. Of Abbots and Priors holding an entire Barony, when they shall have done homage or fealty for their Baronies, he take one palfrey, or the price, as aforesaid; and that this also be observed as to Archbishops and Bishops. Of those who hold but a part of a Barony, whether they be religious or secular, he take according to the portion of the part of the Barony that they hold.

Of men of religion holding in free alms and not by a Barony, nor part of a Barony, the marshal from henceforth shall demand nothing: and the lord the King has granted, that by this statute his marshal of fee be not barred from demanding more, if hereafter he can show that he has right to demand more. The lord the King's chamberlains from henceforth shall have of Archbishops, Bishops, Abbots, Priors, and other ecclesiastical persons, of Earls and Barons holding an entire Barony, a reasonable fine when they shall have done homage or fealty for their Baronies; and if they hold by a part of a Barony, that they take a reasonable fine according to the portion to them belonging. But other Abbots, Priors, and persons religious and secular, who hold not by a Barony, or part of a Barony, shall not be distrained to make fine, as it is said of those who hold by a Barony, or part of a Barony, but the chamberlain shall be content with the upper garment, or with the price of the garment, which is said more in favour of religious than of secular persons; for it is more fitting that religious men should make fine for their upper garment, than put it off.

XLIII. Be it prohibited from henceforth to hospitallers and templars, that hereafter they bring any man in plea before the keepers of their privileges for any matter, the cognisance whereof belongs to the King's court; which if they shall do, first having restored damages to the party injured, they shall be heavily punished toward the lord the King. The lord the King also prohibits the keepers of the said privileges from henceforth granting citations at the instance of hospitallers, templars, or other persons privileged, until it be expressed on what matter the citation ought to be made; and if such keepers see that a citation is required upon any matter, the cognisance whereof belongs to the King's court, such keepers shall neither make nor acknowledge the citation. And if the keepers shall have

nec citacōm faciant nec cognoscant. Et si alii fēdint cōseruatores respondeant parti lese de dampnis & nichilomin' versus dñm Regem graui' puniant'. Et q̄ hui'modi prīilegiati impet'nt Conservatores subpriorēs Precentores Sacristas viros Religiosos qđ nichil habent vnde lesis aut dno Regi satisfacere possunt qui audaciōres sunt ad ledend dignitatem dñi Regis qđ eoꝝ supiores quibꝫ p eoꝝ tempalia pena potest infligi. Cauēant deceſo plati hui'modi obediēciarioꝫ ne permittant obediēciarios suos assūme sibi iurisdiſcōm in ſiudiciū dñi Regē & corone sue. Quod si fēdint, p fco ipoꝝ respondeant supiores ac si de pprio fco suo conuicti erent.

**De Custodibus
hostiorum
seruientibus
coram
Justiū.**

De Custodibꝫ hostioꝫ in Itifibꝫ & virgam portantibꝫ coram Justiū de Banco, ordinatum est qđ de qualibet assisa & iurata quam custodiūt capiant quatuor denaꝫ tantū. De Cyrograffis nichil. D. hiis qui recuperant demandas suas p defaltā reddiſcom vel alio modo p iudiciū sine assisa & Juſ; De hiis qui recedunt sine die per defaltam petentis vel querentis nichil capiant. Et si quis recuperauit demandā vers' plures p vnu bře & p recognicōm assie vel Jurate de quatuor denaꝫ tantū sit contentus. Et similif si plures in vno bři nominati p recognicōm assie vel Jurate de quatuor denaꝫ īm sint contenti. De hiis qui faciūt homagiū in Banco de supiori panno sint contenti. De magnis assis attinctis Juratis & duello pcesso duodeci denaꝫ tantū recipiant. De hiis qui vocati sunt coram Justiū ad sequend vel defendend placitū suū nichil dent p egressu vel ingru. Ad placita Corone de qualibꝫ duodena duodecim denaꝫ tantū capiant'. De quolibet prisone delibato quatuor deni tantū capiant'. De quolibet cui' pax pelamata fuit duodecim denaꝫ tantū capia'. D. inuentoribꝫ vicinis & aliis attachiatis villatis quatuor hominibꝫ & pposito decennariis nichil capiat'. De Cyroḡphariis & Cyroḡpho faciendo statutū est qđ de quatuor solidū sint contenti. De Clicis scribentibꝫ breuia originalia & Judicialia statutū est qđ p bři de denaꝫ sint contenti. Et iniūgit dñs Rex omibꝫ & singulis Justiciaꝫ suis in fide & sacro quibꝫ ei tenent' qđ si hui'modi ministri cont' p̄dem statutū in aliquo veſtint & querimonia ad eos

done otherwise, the keepers shall answer to the party injured for damages, and nevertheless shall be heavily punished as regards the King. And forasmuch as such privileged persons depute keepers, sub-priors, chantors, ~~sacristans~~, who are men of religion, having nothing wherewith to satisfy the parties injured, or the lord the King, who are more bold to offend the lord the King's dignity than their superiors, to whom punishment may be assigned by their temporalities; let the prelates of such obedientiaries henceforth beware, that they do not suffer their obedientiaries to assume to themselves any jurisdiction in prejudice of the lord the King and his crown; and if they shall so do, their superiors shall answer for their deed, as if they were convicted upon their own act.

XLIV. Concerning door keepers in the circuits, and those bearing the ^{Of door} ~~keepers~~ ^{serving before} ~~the Justices.~~ verge before the justices of the Bench; it is ordained, that of every assise and jury that they keep, they take 4*d.* only, and for the chirographs nothing. Of those who recover their demands by default, redition, or otherwise by judgment without assise and jury; of those who go without a day by default of the defendant or plaintiff, they take nothing. And if any recover his demand against several by one writ, and by recognition of assise or jury, they be content with 4*d.* only. And likewise if many named in one writ recover by recognition of assise or jury, they be content with 4*d.* Of those who do homage in the Bench, they be content with the upper garment. Of great assises, attaints, juries, and the duel waged, they take 12*d.* only. Of those who are called before justices, to sue or to defend their plea, they take nothing for coming in or going forth. At the pleas of the crown, for every jury, 12*d.* only be taken. Of every prisoner delivered, 4*d.* only be taken. Of every one whose peace shall be proclaimed, 12*d.* only be taken. Of finders, of the neighbouring and other villa attached, of the four men and the provost, of the tythingmen, nothing be taken. Of chirographers, for ^{Chirographers.} making a chirograph, it is ordained, that they be content with 4*s.* Of clerks writing writs original and judicial, it is ordained, that they be content with 1*d.* for a writ. And the lord the King charges all and singular his justices, on the fealty and oath whereby they are bound to him, that if such officers shall offend in any thing against this statute, and complaint shall come to them, they inflict on them reasonable punishment:

pueſſint penam eis infligant ſonabilem ; et si iterum deliquerint maiorē penam eis infligant qua castigari fito debant. Et si p̄cio deliquerint, & ſup hoc conuicti fuint si ſint ministri de feodo amittant feodū ſuū ſi alii ſint, amittant Cuř Regis nec redeant ſn ipiū Regis ſpeciali p̄cepto aut gracia.

De recordis
et inrotulatis
in Cancellarii
vel coram
Justiciariis.

Qvia de hiis que recordata ſunt coram Cancellař dñi Regis & eius Justicā qui recordū habent & in rotulis eoꝝ irrotulata nō debet fieri pcessus placiti p ſumoniōnes attachē eſſoꝝ viſus Pre & alias ſolempnitates Cuř ſicut fi cōſueuit de contēctibꝫ & cōueniōibꝫ fciſ extra Cuř, obſuand̄ eſt deceſlo qd ea que inueniūt irrotulata coram hiis qui recordū habent vel in finibꝫ contenta ſiue ſit contractus ſiue conueniōnes ſiue obligačōnes ſiue ſeruicia aut cōſuetudines recognita ſiue alia quecūq; irrotulata quibꝫ Cuř dñi Reg ſine iuris & consuetud[inis] offena auctoritatē pſtare potest talem deceſlo habent vigorē qd nō ſit necesse in poſterū de hiis placitare, ſet cū veſtit cōquerens ad Cuř dñi Reg ſi recens ſit cōgnitio vel finis videſt in fra annū in bři leuatus ſtatiſ h̄eat bře de execučōne illius recogniōis fce. Et ſi forte a maiori tempore t̄mſacto ſcā fuerit illa recognicio vel finis leuat̄ p̄cipiat̄ vič qd ſcire faciat parti de qua ſit querimonia qd ſit ad ētum diem oſtenſ ſi quid ſciat diče quare hui⁹ modi irrotulata vel in fine contenta execučōm h̄e nō debeat. Et ſi ad dič ſit veſtit v̄ forte veſtit & nichil ſciat diče quare execučio fieri nō debeat, p̄cipiat̄ vič qd rem irrotulatam vel in fine contentā exequi faciat. Eodem modo mandet̄ ordinario in ſuo caſu obſuato nichilomin⁹ qd ſupadcm eſt de medio qui p ſe cogniōm aut Judiciū obligatus eſt ad acquietand̄.

De vastis
appruandis.

Cvm in ſtatuſ edito aſp̄d fitoꝫ conuēſſum fuerit qd dñi vastoꝫ boscoꝫ & paturaꝫ appruare ſe poſſint de vastis Boscis & paturaſ illis nō obſtantē cont̄dicōe tenenciū ſuoꝫ dūmodo tenentes ipi ſerent ſufficientē patura ad teñ ſuū & libo igrēſſu & egressu ad eandem et p eo qd nulla ſiebat mencio in ſtatuſ & vicinū & vicinum multi dñi vastoꝫ boscoꝫ & paturaꝫ hucusq; impediti extiterunt p cont̄dicōe vicinoꝫ ſufficientē patura ſncium. Et qd forinſeci tenentes nō habent maius ius cōmunicandi in vasto aut patura alicui⁹ dñi qd p̄prii tenentes ipiū dñi, ſtatuſ eſt deceſlo qd ſtatuſ apud Mertoꝫ puiſ ſuū inter dñm & tenētes

and if they offend a second time, they inflict on them greater punishment, ^{Punishment of offenders.} by which they may be duly corrected: and if they shall offend a third time, and be thereupon convicted, if they be officers of fee, they lose their fee; if they be others, that they be dismissed the King's court, and that they return not without the special precept or grace of the King himself.

XLV. Inasmuch as of such things as are recorded before the Chancellor of the lord the King and his Justices who have record, and are inrolled in their rolls, process of plea ought not to be made by summons, attachment, essoin, view of land, and other solemnities of the court, as has been used to be done of contracts and covenants made outside court; from henceforth it is to be observed, that those things which are found inrolled before those who have record, or contained in fines, whether they be contracts, covenants, obligations, or services or customs acknowledged, or other things whatsoever inrolled, wherein the lord the King's court, without offence of law and custom, may exercise authority, from henceforth shall have such force that hereafter it may not be necessary to plead concerning them; but when the plaintiff shall have come to the lord the King's court, if the recognition or fine be recent, that is to say, levied in writ within the year, that he forthwith have a writ of execution of that recognition made. And if the recognition shall have been made, or the fine levied at a time further back, *Scire facias* after the year. the sheriff shall be commanded that he cause the party of whom complaint is made, to know that he be [before the justices] at a certain day, to show if he have anything to say why such matters inrolled or contained in the fine ought not to have execution. And if he shall not come at the day, or perchance come, and can assign Execution by no reason why execution ought not to be had, the sheriff shall be commanded to cause the thing inrolled or contained in the fine to be executed. In like manner, that the Ordinary be commanded in his case, or Ordinary, observing nevertheless what is before said of a mesne, who by recognition or judgment is bound to acquit.

XLVI. Whereas, in a statute published at Merton, it was granted that Of approval of lords of wastes, woods, and pastures, may approve the said wastes, ^{wastes.} woods, and pastures, notwithstanding the objection of their tenants, provided that the tenants themselves have sufficient pasture to their tenements, with free ingress and egress to the same: and forasmuch as no mention was made between neighbour and neighbour, many lords of wastes, woods, and pastures, have been hindered heretofore by the objection of neighbours having sufficient pasture: and because foreign tenants have no more right to common in the waste or pasture of any lord than the lord's own tenants; it is ordained, that the statute of Merton, provided between the lord and his tenants, from henceforth

locū h̄eat decēlo int̄ dnos vastoꝝ boscoꝝ & pasturaꝝ & vicinos ita qd̄ dñi huiꝝ modi vastoꝝ boscoꝝ aut pasturaꝝ salua sufficienti pastura hominibꝝ suis & vicinis appropriare se possint de residuo. Et hoc obſuetꝫ de hiis qui clamant pasturā tanqꝫ ptinente ad teñ suū. Set si quis clamat cōmunā p̄ speciale feoffamentū vel concessionē ad ȳtum nummū adiōꝝ vel alio modo qꝫ de iure cōmuni h̄ere deberet cū conuencio legi deroget h̄eat suū recuperare quale h̄ere debet p̄ formā cōcessionis sibi f̄cē; occasione molendini venticii Bercaꝫ vaccaꝫ augmentacōis Cuꝫ necessar̄ aut curtilagii decēlo nō grauetꝫ quis p̄ ass̄m noue dissē de cōmunā pasture. Et cū contingat aliquñ qd̄ aliquis ius habens appruiare se fossatum aut sepem leuañit & aliqui noctanꝫ vel alio tali tempore qd̄ nō credant f̄cm eoꝝ sciri fossatum aut sepem p̄strāñt, nec sciri posſit p̄ veredcm assiē aut Jurate qui fossatū aut sepē p̄st̄uerunt nec velint hoīes de villatis vicinis indictare de huiꝝ modi f̄co culpabiles; dist̄ngantꝫ p̄pinque villate, circūadiacentes leuare fossatū aut sepē ad custum p̄priū & dampna restitū. Et cum aliquis ius nō habens cōicandi vsurpet cōmunā tēpe quo heredes extifint infra etatē vel vxor sub potestate viroꝝ existenciū vel pastura sit in manu tenenciū in dotein p̄ legem Angl̄ alias ad p̄minum vite vel annoꝝ vel p̄ feedū talliatū; et pastura illa diu v̄si fūint m̄ti sunt in oppinione qd̄ huiꝝ modi pasture debent dici ptinere ad liberū teñ & qd̄ hiꝝ modi possessori compeſe debet actio p̄ b̄re noue dissē si ab huiꝝ modi pastura deforciatꝫ set decēlo tenend est qd̄ h̄intes huiꝝ modi ingressum a tempore quo currit b̄re mortis antecessoꝫ si antea cōmunā nō habuerunt, nō h̄eant recuperare p̄ b̄re noue dissē si fuerint deforciati.

De aquis
positis in
defenso.

Prouisum est eciam qd̄ aque de Huambre Vse Trente Doon Ayre Derwente Wherf Tyd Yore swale Tese & oīes alie aque in quibꝫ salmones capiuntꝫ in regno ponantꝫ in defenso quo ad salmones capiend a die Nat̄ beate Marie vsqꝫ ad diem sc̄i Martini. Et simiſr qd̄ salmunculi nō capiantur nec dest̄antꝫ p̄ retia nec p̄ aliqua ingenia ad stagna molendinoꝝ a medio April̄ vsqꝫ ad Natiuitatē sc̄i Johis Bapt̄ et in partibꝫ vbi huiꝝ modi riparie fūint assaignentꝫ cōseruatores

hold place between lords of wastes, woods, and pastures, and their neighbours ; so that the lords of such woods, wastes, or pastures, saving sufficient pasture to their men and neighbours, may be able to make approvement of the residue. And that this be observed of those who claim pasture as appurtenant to their tenements. But if any one claim common by special feoffment or grant for a certain number of beasts, or in any other way than he ought to have of common right, since covenant abrogates the law, that he have such recovery as he ought to have had by form of the grant made to him. By reason of a windmill, sheepcote, dairy, enlarging of a court necessary, or curtilage, no man from henceforth shall be injured by assise of *novel disseisin* for common of pasture. And where sometimes it happens, that one having right to approve, raises a dyke or hedge, and some, either by night, or at any other time, when they suppose their deed would not be known, shall have overthrown the dyke or hedge, and it cannot be known by verdict of assise or jury, who overthrew the dyke or hedge, and men of the neighbouring vills will not indict those guilty of such deed, that the neighbouring vills be distrained to make up the dyke or hedge at their own cost, answerable, and to yield damages. And where one, having no right of common, usurps common during the time that heirs shall have been under age, or a woman under the power of husbands, or whilst the pasture is in the hand of tenants in dower, by the law of England, or otherwise for term of life or years, or in fee-tail, and have used the pasture for a long time, many are of opinion, that such pastures ought to be said to belong to the freehold, and that such possessor ought to have action by a writ of *novel disseisin*, if he be deforced from such pasture ; but from henceforth it is to be held that they having such entry from the time in which a writ of *world'ancestor* runs, if they had no common before, have no recovery by a writ of *novel disseisin*, if they be deforced.

XLVII. It is provided, that the waters of the Humber, Ouse, Trent, Don, Aire, Derwent, Wharfe, Nid, Yore, Swale, Tees, and all other waters wherein salmon are taken within the kingdom, be put in defence as to taking salmon from the day of the nativity of St. Mary to St. Martin's day ; and that likewise young salmon be not taken or destroyed by nets, or other engines at millpools, from the middle of April up to the nativity of St. John the Baptist. And in places where there are such rivers, there be assigned conservators under this statute, who being sworn, may oftentimes see and inquire as to offenders. And for the first trespass, that they be punished by burning of their nets and engines. And

Lords may approve common against their neighbours, leaving them sufficient

Destruction of a dyke or hedge made by an approver.

Neighbouring vills
of common during the estate of particular tenants.

Of waters put in defence.

istius statuti qui ad hoc jurati sepius videant & inquirant de temnsgressoribus et in prima temnsgressione puniantr p combustionē retiū & ingenioz. Et si ipsato deliquit puniantr p prosonam vnius quartterii anni. Et si ipsato deliquerint puniantr p prisonā vnius anni. Et sic multiplicata temnsgressione crescat pene inflictio.

De visu terre. De visu terre ordinatum est & statutum quod decepto non concedatr visus nisi in casu quin visus est necessarius sicut si aliquis amittat ten p defaltam & ille qui amisit suscitet bree ad petendi idem ten & in casu quando quis p aliquā dilatoriā cassat bree post visum terre sicut p non tenuram vel male notiando villam vel huiusmodi si suscitet aliud bree in hoc casu & supiori decepto non concedatr visus dumus visū habuit in prioribus breuibus. In briibus de dote cum petitr dos de ten quod vir vxoris alienauit tenenti aut eius antecessori cum ignorare non debeat tenēs quale ten vir vxoris alienauit sibi vel antecessori suo lieet vir non obiit seisisitus nichilominus tamen tenenti decepto non erit visus concedendus. In breui eciam de Ingressu Cassato p hoc quod petens mulle notiauit ingresum si petens suscitet aliud bree de alio ingressu si tenens in priori breui habuit visum, in secundo non habebit. In omibus ecia breuibus p que ten petentr ratione dimissionis quā petens vel eius antecessor fecit tenenti & non antecessori sicuti quod ei dimisit du fuit infra etatē non conpos mentis in prona & consimilibus non iaceat decepto visus, set si dimissio faca fuit antecessori iaceat visus sicut prius.

Omnia predicta statuta incipient conseruari ad festum sci Michis prox venturus ita quod occasione aliquorum delictorum contact aliquod predicto statutorum citare predictum festum ppetto pena delinquentibus de quibus mencio fit in statutis non infigatr, sup vero statutis in defectu legis & ad remedia editis ne diuinus querentes cum ad Cuius venit recedant de remedio despati, traeat brevia sua in suo casu puisa, set non placitetur vsque post predictum festum sci Michis,

if they offend again, that they be punished by imprisonment for a quarter of a year. And if they offend again, that they be punished by imprisonment for a year; and as the trespass increases, let the infliction of the penalty increase.

XLVIII. As to view of land, it is ordained and provided, that from henceforth view be not granted but in case when view is necessary; as if one lose a tenement by default, and he who lost move a writ to demand the same tenement; and in case when any one by an exception dilatory abates a writ after the view of the land, as by non-tenure, or misnaming of the vill, or such like, if he move another writ, in this case, and in the case before-mentioned, from henceforth view be not granted, provided he had view in the former writs. In writs of dower, where the dower is demanded of tenement that the husband of a wife aliened to the tenant or his ancestor, where the tenant ought not to be ignorant what tenement the husband of the wife aliened to him or his ancestor, though the husband died not seised, nevertheless from henceforth view shall not be granted to the tenant. In a writ of entry also, which is abated because the defendant misnamed the entry, if the defendant move another writ of entry, if the tenant had view in the former writ, he shall not have it in the second. In all writs also by which tenements are demanded by reason of a demise made by the defendant, or his ancestor, to the tenant, and not to the ancestor, as that which he demised to him, while he was under age, not of sound mind, in prison, and such like, that view do not lie henceforth; but if the demise were made to the ancestor, that view lie as heretofore.

[XLIX. The Chancellor, Treasurer, Justice, or any of the King's Purchasing Council, a clerk of the Chancery, of the Exchequer, of a Justice or other officer, or any of the King's house, clerk or lay, shall not receive any church, or advowson of a church, land, or tenement in fee, by gift, or by purchase, or to farm, or by champerty, or otherwise, so long as the thing is in plea before us, or before any of our officers; nor shall they take any reward thereof. And he who does any such thing, either by himself, or by another, or commits any fraud therein shall be punished at the King's pleasure, as well he who shall purchase, as he who shall do it.]¹

L. All the said statutes shall begin to be observed at the feast of St. Michael next ensuing, so that by occasion of any offences committed before the said feast, contrary to any of the said statutes, no punishment (mention whereof is made in these statutes) shall be inflicted upon the offenders. Moreover, concerning statutes provided for cases where the law fails, and for remedies, lest any longer suitors, when they shall have come to court should depart from thence hopeless of remedy, shall have writs provided in their cases, but they shall not be pleaded until after the feast of St. Michael aforesaid.

¹ This clause, which is in French, is not in the Statute Roll or in the Red Book (Dublin). It is printed in *Statutes of the Realm* from another MS. See note p. 95 of *Statutes of the Realm*.

19 EDWARD I. A.D. 1291.

[RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 74-75.]

[ARTICULI CLERI.]

Justi^c Hybⁿ a die Pasche in tres septimam
Anno R^c R^c Edwardi decimo [nono].¹

i. articulus.

C. Si fur ut lat^o ut aliquis feloniam cōmittens t^onsitum fecerit
p loca ubi aliquis p^latus vt clericus infra sac^os constitut^o
existat, qui clamorem si non fecerit p quem clamorem fur
ut latro feloniamve cōmittens capi possit, p^latus ut clericus
predēus attachiat^r p minist^os seculares & carceri mancipabit^r
sicut patet de quodam pl^cio de Esmayn^s incarcato apd Roscre
p minist^os dñi regis.

Respon^s.

Si simplici^l ex causa tali respondet^r qd non est incarc
andus, set si subfuerit legitia potest. Sciat^r ergo ra^co capcois,
et fiet iusticia.

Sequit^r respon^co p Regem.

Rex.

Rex vult qd nullus clericus ut p^lmittit^r arestet^r in tali casu
ut clamor huiusmodi leuet^r p eum aut ea de causa in aliquo
seu licet clamorem non leuauerit occonetur.

ii. articulus.

C. Item si quis ad ec^cam p quoq^u delicto confugit non
pmittit^r p minist^os laicales qd nec^cia & victualia p quemcūq^u
qfugienti ministrent^r sub pena certa firni^l iniū
genda. Set in ipa ec^cā compedib^z confugientem detineri
fa^cint⁴ apd Lochrech^c Clonfer^c dio^c.

Resp.

Multa p inmunitate ecclie Reg & Regni tempe & looo
guerrinis pmittenda sunt que alias pmitti non debent. In
quirat^r⁴ de facto & fiet inde iusticia.

Sequitur alias respon^so p Regem.

Rex vult qd hi fugitiuus ad ec^cam bene custodiat^r eo m^o
quo ingressus fuerit usq^u ad terminū debitum & habeat victualia.

¹ Top of folio cut away here.² The word *nono* is very indistinct, but has been adopted here, as in the Reports of the Record Commissioners (1810-1815), plate viii., is found a facsimile of portion of this folio (74) of the Red Book, which reads *nono*.³ Asmain—Asmavyn, an obsolete parish in the Deanery of Cashel.⁴ Obliterated.

19 EDWARD I. A.D. 1291.

ARTICLES OF THE CLERGY.

.... the Justiciar of Ireland in three weeks from the day of Easter in the 19th year of the reign of King Edward.

If a thief or robber, or any one committing a felony, make his way through places where any prelate or clerk in Holy Orders is established, if he shall not have made cry, by which cry the thief or robber or person committing the felony might be captured, the prelate or clerk aforesaid is attached by the secular officers and will be committed to prison, as appears in the case of a certain prelate of Esmayn imprisoned at Roscrea by the officers of the lord the King.

If simply from such cause, the answer is, that he should Reply. not be imprisoned; but if he should have assisted the thief, [the imprisonment] may be lawful. Therefore, let the reason of the imprisonment be known and justice shall be done.

A reply by the King follows.

The King wills that no clerk, as aforesaid, should be arrested in such case, or cry of such kind raised by him, or that [he be troubled] on that account in any . . . even though he may not have raised cry.

Item, if any one fly for refuge to a church for any crime, it is not permitted by the lay officers that necessaries and victuals should be ministered by anyone . . . to the fugitive, under a fixed penalty, firmly to be enjoined; but they cause the fugitive to be detained in fetters in the church itself, [as lately] at Loughrea in the diocese of Clonfert.

Many things have to be permitted for the immunity of Reply. the Church, the King and the Kingdom, at a time and at the seat of war, which at another time ought not to be permitted; let enquiry be made about the fact and justice therein done.

Another reply by the King follows.

The King wills that a fugitive of this kind should be The King. well guarded at the church, in such a way that there should

Et si ecclām post lapsū termini scđm legem euacuare re-
cusauerit, victualia subtēhant' eidem.

iii. articulus.

C. Item clerici ad querelam aliquoꝝ p pđcos minist'os incar-
cerati ita g'uiꝝ & vili carcere tenent' qđ ubi legitie de c'mine
sibi inposito coram suis prelatis se purgare possent non
audiunt' s̄z metu penaꝝ & corpū suoꝝ cruciatuū finē ut re-
dempcionem in contemptū clauū ecclie & ordīs clericalis non
modicū preiudiciū facere compellunt'. Et si prelati debitum
suum officiū excercuerint attachant' & amercent' sicut nup
accidit in dioꝝ ffernenſ & Darenſ.

fferenſ & Darenſ sunt loca libertatuū de quibꝝ dns Rex
resp. iusticiā faciet cōq'rentibꝝ scđm iura.

Seq' alia resp. p Regē.

Rex. Rex vult qđ in casu ubi non iacet vite uel membroꝝ amissio
fiat finis p t̄nsgressionibꝝ suis. Et e conuerso liberant'
prelatis tales quales inueniuntur.

iiiij. articulus.

C. Item plati & alii clerici minores & religiosi ad diffa-
maōeum seu indictaōeum laicoꝝ capiunt' indistincte & carceri
mancipant' nō ad moniōeum platoꝝ sič deberent liberant' s̄z
vilius ppter hoc in carcere detinent'. Hoc cōiꝝ accidit i pluribꝝ
p'sonis.¹ Preſea bodie nitunt' judices seculares & max'
minist' dñi Reḡ qđ clerici licet laicū feodum non habeant de
ōibꝝ accōibꝝ psonalibꝝ & t̄nsgessionibꝝ seu delictis res-
pondere debeant coram eis omisso suo Epo cont' omnia iura cū
actor forum rei sequi debeat.

resp. scđm p
Regē

Iniuriam passi cōq'rent' de fco &to corā Justiō & fiet eis

The MS. here is much worn: the word might be read psonis.

be access up to the due term, and that he should have victuals; and if he refuse to leave the church after the lapse of the term according to law, the victuals should be withdrawn from him.

Item, clerks imprisoned at the complaint of any, are detained by the said officers so grievously and in so vile a prison, that in cases where they might be able to purge themselves legally of the crime imputed to them before their prelates, they are not heard, but through fear of punishments and of their bodies being tortured, they are forced to pay a fine or ransom, in contempt of the keys of the Church, and to the very great prejudice of the clerical order. And if the prelates exercise their due office, they are attached and fined, as lately happened in the dioceses of Ferns and Kildare.

Ferns and Kildare are places of Liberties, of which the lord the King will do justice to complainants, according to right.

Another reply by the King follows.

The King wills that in case where loss of life or limbs lies not, a fine for their offences be made; and on the other hand, that such as are found so be delivered to the prelates.

Item, the prelates and other the minor clergy and the religious, are taken at the accusation or indictment of laymen, without distinction, and committed to prison; nor, at the warning of the prelates are they liberated, as they ought, but the more vilely on this account are they detained in prison. This commonly happens in many prisons. Moreover, the secular judges, and specially the officers of the lord the King, now contend that clerks, although they have not a lay fee, should answer before them as to all personal actions and trespasses or faults, ignoring their Bishop, contrary to all right, since the complainant ought to follow the tribunal of the accused.

Let those who have suffered injury make complaint as to the certain fact before the Justiciar, and justice shall be

3rd Article
Ill-treatment
of clerks
arrested.

4th Article.
Clerks
compelled to
answer before
lay tribunals.

Reply made
by the King

iusticia. Et si iustia in iure sibi defuerit ostendat sua guamina Regi & consilio suo & vocato Justiciario fiet iustia.

v. articulus.

C. Item si prelati qui curam habent anima*z* precipue malo*z* x

riano*z* vid*z* utlagato*z* & pacis pturbato*z* p quib*z* vocandis Je*h*us x*p*s de celis descendit qui in Ewn*g*lio ait non veni vocare justos s*z* peccatores ad eos*dm* monend corigend & ad pacem inducend accesserint ne sang*s* eo*z* a manib*z* suis req*rant* & sic cum eis*dm* sp*ualit* ad corecti*m* eo*z**dm* & ad sat*m* alia*z* sua*z* aliquo m*o* comunicauerint statim attachiant & si maliciis eo*z* essent consencientes n*e* auctores & fautores eo*z**dm* & receptatores & frequen*P* accidit in o*mib* marchiis.

respon*s*.

Ad immunitatem tam ec*ce* q*m* Regis & Regni q*m* sepe uocari & eciam ad requisi*coem* prelato*z* concedi consuevit brachi*u* se*clar*e. Et si qui passi sunt iniuriam con*q*rant de f*co* & f*to* & fiet eis iusticia. Sequit*r* it.

Rex.

Quia quidam prelati Hybernici freq*en**P* hui*modi* faci*ut* p velamina pocius p malo q*m* p bono Rex vult q*d* nullus huius*modi* g*monem* facist absq*u* presenta*coem* & consilio Justi*c*.

vi. articulus.

C. Item cum dns Rex o*m*s croceas tam in libertatib*z* q*m* ext*a* sibi speciali*P* retinuerit videt*r* prelatis q*d* laici ten*et*es de crocea & eciam clerici coram se*n* libertatum respondere non debent licet multociens d*ci* se*n* i*pos* in exigend & n*i* ven*int* i*pos* fac*int* utlagari, & sic nitunt*r* auferre d*no* Regi fines & redemp*c*oes & catalla alia que sibi possent accedere ut in diosesi ffernens.

res*p*.

D*ns* Rex de g*u*aminib*z* s*i* fact*f*ac*coem* & ce*li* se*s*encientes g*u*ati qq*r*i po*f*ut & fiet eis iusti*c*. Sufficit ista res*p*.

done them; and if justice be lacking to them in law, let them present their grievances to the King and his Council, and the Justiciar being summoned, justice shall be done.

Item, if the prelates who have cure of souls, (especially of bad Christians, namely, of outlaws and disturbers of the peace, for the calling of whom Jesus Christ descended from heaven, who says in the Gospel, "I came not to call the righteous, but sinners,") go to them to warn, correct and lead them to peace, lest the blood of these be required at their hands; and so when for their correction and the salvation of their souls they have spiritually communicated with them in any way, they are attached forthwith, as if they were consenting parties to their evil deeds, though neither advisers, favorers nor harbourers of them; and it frequently happens in all the marches.

For the immunity as well of the Church as of the King *Reply.* and Kingdom, the secular arm is frequently wont to be invoked, and also to be granted, at the request of the prelates. If those who have suffered injury complain about a certain fact, justice shall be done them. There follows also:

Because certain Irish prelates frequently make this *The King* a pretence, rather for an evil than a good purpose, the King wills that no one hold such communication, without presentation, and by the advice of the Justiciar.

Item, whereas the lord the King has specially retained to himself all Crosses, as well in liberties as without them, it seems to the prelates that lay tenants of a Cross, and also the clergy, ought not to answer before the seneschals of the liberties, although frequently the said seneschals [put] them in exigent, and unless they come, cause them to be outlawed, and so they strive to take away from the lord the King, fines and ransoms and other chattels, which might come to him, as in the diocese of Ferns.

The lord the King will take action as to injuries done to *Reply.* himself; and others, feeling themselves aggrieved, may complain, and justice shall be done them.

This reply is sufficient.

5th Article.
Attachment
of clerks when
spiritually
ministering to
felons, &c.

6th Article.
Lay tenants
of a Cross
and the clergy
ought not to
answer before
seneschals of
liberties.

vij. articulus

C. Itm cū bře phibičois ad coronam dñi Ređ dicat^r ptiňe
 dñi seň & minist̄ libertatū Lageň & aliaž libertatū dñis suis
 dñm bře phibičois usurpare & appiare¹ erent^r & sub-
 ditis suis in foro ecčastico čam lic̄ spualem pseq^tntib^r bře de
 phibičoe de g^uaminibz sčdm formi quā dñs Rex sc̄bit. Et si
 cont^a dčm phibičom causam suam ampli^r pseq^tnt^r g^uuit^r . . .
¹ libertatis & regie dignitatis
 pjudiciū non modicū & g^uamen.
 conquerant^r g^uanti & fiet eis iusticia. Sufficet ista
 responcio.

viii. articulus

C. Cum oñe sacilegiū sit c̄men ecčastico & inieđe manus
 violentas in clericū religiosū vt confūsum sit sacilegiū p con-
 seq^{ns}ns debet ptiñere ad judicem ecčastico. Et in phibetur
 hiis diebz Judici ecčastico ne de tali criminē cognoscat
 & si tales sacilegi remanent in excōicačōe & in fideliū
 cōmunione & q_u sūt p dī sentenciam sepati sicut patz in
 Priore de Instyok & dno Eþo fernēsi cuius lis pendet. Idem
 dicūt þlati de oñi criminē ecčastico utpote incestu adulþio
 fornicaciōe usura heresi sýmonia sortilegio qd est cont^a fidē
 catholicam directe piurio fidei lesionē & aliis multis de quib^r
 ecča cognoscere consueuit ad correccione & salutem aiarum
 a tempe a quo non extat memoria.

resp.

Dñs Rex nō intēdit þlati ecče sue pjudicari s̄s qq^orētib^r i
 hiis & aliis iusticiā in sua curia exhibere. Sequit^r alia resp p R.

Rex.

Ad reddēd & restitučoem faciend de bonis ab ecča

¹ Obliterated.

Item, whereas a writ of prohibition is declared to appertain to the crown of the lord the King, the said seneschals and officers of the liberties of Leinster and other liberties [are wont] to usurp and appropriate the said writ of prohibition to their lords, and [direct to] their subjects prosecuting a cause, although spiritual, in the ecclesiastical court, a writ of prohibition as to their grievances, according to the form which the lord the King writes. And if, contrary to the said prohibition, they prosecute their cause further, they are heavily [amerced for the profit of] the liberty, to the no small prejudice and injury of the royal dignity.

Let those who are aggrieved make complaint, and justice shall be done them.

This reply is sufficient.

Inasmuch as all sacrilege is an ecclesiastical crime, and the laying violent hands on a clerk, religious person or lay brother, is sacrilege, consequently it ought to appertain to an ecclesiastical judge; and, nevertheless, in these days it is prohibited that an ecclesiastical judge take cognisance of such crime, and so such sacrilegious persons remain in excommunication and in [exclusion from] the communion of the faithful, because they are by divine sentence separated, as appears in the case of the Prior of Inistioge, and the lord Bishop of Ferns, whose suit is pending. The prelates say the same of every ecclesiastical crime, namely, incest, adultery, fornication, usury, heresy, simony, soothsaying (which is directly contrary to the Catholic faith), perjury, breach of faith, and many other things, about which the Church is wont to take cognisance for the correction and salvation of souls, from a time to which memory runneth not.

The lord the King does not intend to prejudice the prelates of his Church, but to those making complaint in these and other matters, to exhibit justice in his Court.

Another reply by the King follows.

As to restoring and making restitution of goods taken from a church, and as to trespasses against the peace

7th Article
Officers of
liberties
usurping
writs of
prohibition.

8th Article
Ecclesiastical
crimes should
be in the
cognisance of
ecclesiastical
judges.

Reply.

The King.

ac de ter nsger quod pace fit et quod nose in de sentencia lata quod ritur satisfacco de plato.

ix. articulus. C. Item cum dominus Rex omnies cas testamentarum ad forum Ecclasticum pretine recognoscat et ecclea Hubernicana in possessione iurisdicois earum domini a tempe a quo non extat memori vider quod creditores cuiuscumque defucti executores ipsius Testatoris in foro ecclastico conueniat et ab ipsis executoribus conueniantr balli seculares iudices ecclasticos sup hoc impediut et bearre de phibicoe tam ante latam saniam quam post eis dirigunt qui si continuenevint attachiantr incarcerantr et amercentr et non pendlit causa in cur.

resps. Assignetr causa pendat et fiet conquerenti iusticia. Sequitr alia responsio pre Regem.

Rex. Omnia in testamento verbata et specialier legata ad forum ecclasticum spectant et cerefa de quibus non fit menco serpertat ad Regem scdm fore*s* et leges Anglicana*s*.

x. articulus. C. Itm si quis ad ecclam aliquom quoqm presentauerit et prelatr inquis debitam put moris est et consuetudinis appbate face voluerit hoc si non pmittitr set non incotineti presentatum admittat pre minister Regis attachiatr ut in Ossoriensi dioce*s*ai.

respons. Inquirere posent prelati cum velint ex officio. Et si quis inquire phibetr ostendat bearre et fiat iustica qquor*et*i. Suffici*s* ista respons.

xi. articulus. C. Itm cum Judex ecclasticus iudicatr est ad legem suam faciendrum coram Justica de Banco de eo quod tenuit plac*it* in cur xpi*an*iter contra phibicom domini et iusticiarum conpellunt ipsos iurare quod nec ante phibicoem porrectam non post tenuit placitum aliquod

the King has cognisance; nevertheless in case of sentence delivered, let satisfaction be sought from the prelate.

Item, whereas the lord the King acknowledges that all 9th Article. causes of testaments appertain to the ecclesiastical court, Testamentary causes before the ecclesiastical courts. and the Irish Church is in possession of the jurisdiction of the same from a time to which memory runneth not, namely, that the creditors of anyone deceased may summon the executors of the said testator in an ecclesiastical court, and they may be summoned by the executors themselves; secular sheriffs thereupon hinder the ecclesiastical judges, and they direct to them a writ of prohibition, as well before sentence passed as after; who, if they contravene it, are attached, imprisoned and fined, and at present a cause is pending in court.

Let the pending cause be stated, and justice shall be Reply. done to the complainant.

Another reply by the King follows.

All things named in a testament and specially be- The King queathed, belong to the ecclesiastical court, and other things, about which no mention is made, belong to the King, according to the English courts and laws.

Item, if anyone shall have presented someone to any 10th Article. church, and the prelate wish to make due enquiry, accord- Attachment of prelates for enquiring as to presentations to the King, but unless he immediately admit the person presented, he is attached by the King's officers, as in the diocese of Ossory. ing to the approved manner and custom, it is not permitted to him, but unless he immediately admit the person presented, to presentations to the King, he is attached by the King's officers, as in the diocese of Ossory.

The prelates can make enquiry when they wish, by Reply. virtue of their office, and if anyone is prevented from enquiry, let him exhibit a writ and let justice be done to the complainant.

This reply is sufficient.

Item, when an ecclesiastical judge is adjudged to make 11th Article. his law before the judges of the Bench, in that he held pleas Prohibitions. in a court Christian contrary to the prohibition of the lord the King, the justices compel them to swear that neither before the prohibition was presented nor after, did he hold any plea; and this they do to the grievous injury of the

et hoc faciunt in graue dampnū Ordinarioꝝ & in pic̄m aſaꝝ quia phibiꝝ porrecta exstendi debet ad futura nō autē ad ut in fſſernenens̄ Dioces̄.

responſ.

Dñs R̄ habere debet & consueuit quedam plac̄ sp̄tancia ad coronam & platis ſi huiꝝ nodi usurpantibꝝ tam de iure qm de cōſuetudine phibere p b̄e qd minime faſe oporteret n̄ in prelatoꝝ fauorem verūtamē conquerantꝝ ḡuati & fiat eis Justic̄.

Sequitꝝ alia responſo p Regem.

Rex.

Rex vult qd cessant iudices post receptam phibiꝝ in casibꝝ quibꝝ phibiꝝ iacet in ceteris uero non.

xij. articulus.

C. Item si prelatus subditū suum rite & in casu a iure pmisso excōnauerit & ille ſic excōicatus queremoniam minist̄is dñi Regis sup hoc deposuerit prelatus ſic excōicans attachiatꝝ p b̄e q̄r excōicauit & pſſum ſuū coram predcis minist̄is exhibere compellitꝝ et compellitꝝ iudex p b̄e de cancellaꝝ d̄em excōicatū abſolue cū nullus Judex ſc̄laris debeat cognoscere de ſentencia excōicacōis que est pena mere ſp̄ualis.

responſ.

Ex quo dicitur qd p b̄e ostendatꝝ b̄e & iniuriam paſſi cōqꝝrantꝝ & fiet iuſticia.

Sequitꝝ alia respoſo p Regem.

Rex.

Ex quo dicitꝝ qd p b̄e ostendatꝝ b̄e & quod corigend fuerit in b̄i corigatꝝ. Et qui b̄e h̄i exire p[mi]ſerit vitupetur et ſubripiatꝝ & paſſis iniuſ fiet Justicia.

xiiij.

C. Itm si quis petat coram Judice ec̄cāſtico bona ſibi pmissa cū uix ſua mat̄monii cauſa cont̄hendi porigitꝝ ſi Regia phibiꝝ & ſi cont̄uenerit attachiatꝝ & amerſiabitꝝ. Idm accidit ſi diuōco legitimate celebrato Judex qui diuorcm celebrauit de rebus mobilibꝝ reſtituendis cognōce velit.

Ordinaries, and to the endangering of souls; because the prohibition when presented ought to be extended to the future, but not to the [past], as in the diocese of Ferns.

The lord the King ought and has been wont to have Reply. certain pleas appertaining to the Crown, and the right to prohibit by writ prelates usurping such to themselves, as well of right as of custom. Which (the practice complained of) should by no means be done unless in favour of the prelates; however, let those aggrieved make complaint and let justice be done them.

Another reply by the King follows.

The King wills that the judges do not proceed after The King. receipt of the prohibition, in cases in which a prohibition lies; but in others not.

Item, if a prelate duly, and in a case permitted by law, 12th Article. excommunicate his subject, and the one so excommuni- Right of Excommuni- cated thereupon lay a complaint before the officers of the cation. lord the King, the prelate so excommunicating is attached by writ [to answer] wherefore he excommunicated, and he is compelled to exhibit his process before the aforesaid officers; and the Judge is compelled by writ out of Chancery to absolve the said excommunicated person, though no secular judge should have cognisance of a sentence of excommunication, which is a purely spiritual punishment.

On which it is answered that the writ should be ex- Reply. hibited by writ, and let those who have suffered injury complain and justice shall be done them.

Another reply by the King follows.

On which it is answered that the writ should be ex- The King. hibited by writ, and that what should be corrected in the writ be corrected, and let him who permitted such a writ to issue be rebuked and removed, and justice shall be done to those who have suffered injury.

Item, if anyone seek before an ecclesiastical judge goods 13th Article. promised to him with his wife, by reason of contracting Jurisdiction of ecclesiastic-matrimony, a royal prohibition is directed to him, and if tical judges in matters he contravene it, he is attached and fined.

responſ. Ostendatur casus & conquerat^r grauatus & fiat eis iustiſ.

Rex. Sequit^r alia responsio p Regem.

Justiciaſ respondet se p certo intendere qd Rex totis temporibꝫ ret^oactis optinuit cognoscere in tali casu i Anglia & Hybꝫ p quod hi defacere nequit sine Rege. Unde si quis in hac parte g^uamina¹ ostendat Regi qui justiciam inde faciet qd iustiſ nequit dñm suum ſicere a ſeſina.

21 EDWARD I. A.D. 1293.

[RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 77.]

EDWARDUS dei grā Rex Anglā dñs Hybꝫ & Dux Aquit^t Theſ & Baronibꝫ suis de sc^ccio Dublii ſattm. Mittimus vob^s quasdam ordinaciones presentibꝫ inſclusas quas in Pra^ria ñra Hybꝫ volum^r obſeruari vob^s mandantes qd dicas ordinaciones ſedm ſui² tenorem in omnibꝫ suis articulis fieri & obſeruari faciat. Et hoc nullatenus omittatis. T. me ipo apud Cantuar^r xii. die Ju^r anno r n vicesimo p^omo.

Ces ſouint les Ordinaunces qe le Reý ad comaunde fere e garder en sa tere de Irlaunde.

Des viscountes e autre baſſlys qe ſouint vnt este mÿs par le graunt sel de Engletere pur quey il vnt este meÿns obeyſſauanz al Escheker de Irlaunde e aussy de ceus qe ſunt mÿs par la Justice meÿmes ; acorde est qe les viscountes ſeyent mÿs par le Tresorer e les Baruns dcl Escheker ausy come en Engleſe e par eus ſeyent remuez e ne pas par autres e deuaunt eus ſeyent reſponſables de quaunt qe apent a lur offyce e les baſſlys qe reſpouuent al

¹ Obliterated

² So in original.

The same happens if a divorce having been lawfully pronounced, the judge who pronounced the divorce wishes to take cognisance about restoring movables.

Let a case be shown and let the injured party complain and let justice be done them.

Another reply by the King follows.

Let the Justiciar reply that he certainly means that the King in all times past had cognisance in such case in England and Ireland; for which reason he cannot do away with such, without the King. Wherefore, if anyone in this behalf [suffer] grievances, let him show them to the King, who will therein do justice, because the Justiciar cannot thrust out his lord from seisin.

21 EDWARD I. A.D. 1293.

EDWARD by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to his Treasurer and Barons of the Exchequer of Dublin, greeting: We send you certain ordinances enclosed in these presents, which we will to be observed in our land of Ireland, commanding you that you cause the said ordinances to be performed and observed according to their tenor in all their articles; and that this you in no wise neglect. Witness myself at Canterbury on the twelfth day of July in the twenty-first year of our reign.

These are the ordinances that the King has commanded to be performed and observed in his land of Ireland.

I. Concerning sheriffs and other bailiffs who have often been appointed by the great seal of England, on which account they have been less obedient to the Exchequer of Ireland, and also concerning those who are appointed by the Justiciar himself, it is agreed that the sheriffs be appointed by the Treasurer and the Barons of the Exchequer, so as in England, and be by them removed and not by others, and be answerable before them for

Appointment of sheriffs and bailiffs.

Escheker par lur mayn demeýne, seýent mys par ceus del Escheker. E ceus qe sunt repunables as viscontes, seýent mys par les viscontes. E seýt charge checun viscont par sun serment, qaunt il fra le serment qil mette tieus pur qas il vodra respondure aussy come en Englefre, e ne pur qaunt seýent les viscontes entendauns as maundemens la Justice e qaunt qe a luý apent.

Des teres tenues en chef du Rey qe sunt aloingnees saunz conge le Rey dount ceus de Irlaunde dyunt qil pount bien fere e tous Jours le vnt fet ; acorde est qe taunt tost come eles sunt alýenez, seýent prýses en la mayn le Rey par le Eschetur ausy come en Engletere e issi demeorgent taunt qil eyent fet gre le Rey. E eyent la Justice le Tresorer e le Conseyl ioýntement poer de prendre tels manere de fýns. E desoremes ne eyt nul poer de fesser autre de tere qe est tenue en chef du Rey, for a tenýr du Rey en chef e ce par conge du Rey ou de la Justice, si il ne seýt en tere de gerre ou de marche e la eyent bien poer les seýgnurs qe tengt del Rey a fesser autres a tenýr de eus pur defendre la terre a prou de eus e al encres de la seýgnurie le Rey e de sa pes. E qe tel poer eyent les seýgnurs en ce dreyn cas de fere feffemenz taunt qe le Rey emparle autre fiez ou taunt qil le vnyple repeler Issi neqđent qe les feffemenz qe auerunt este fez auaunt ce repel estoýsent, e seýent fermes e estables.

Acorde est qe nul Seneschal de ffaunchýse seyt Justice de Eýre ne de Bank ou aylours ou fraunchises deýuent estre trýez.

Del Quinzyme de Irlaunde seýt fet solum la fourme qil ount ylleques e sicome fu fet en Engletere e les despenses des Taxurs e des Cuýllurs seýent en la descreciun del Tresorer e des Baruns del Eschekere de Irlaunde ausy come en Engletere.

whatever appertains to their office, and that the bailiffs who answer to the Exchequer by their own hand be appointed by those of the Exchequer, and those who are answerable to the sheriffs be appointed by the sheriffs; and that each sheriff be charged by his oath when he shall take the oath that he appoint such persons as he will be answerable for, so as in England, and that nevertheless the sheriffs be intentive to the commands of the Justiciar and as much as to him appertains.

II. Concerning the lands held in chief of the King, ^{Lands held of the King in chief:} which are alienated without licence of the King, as to ^{chief:} which those of Ireland say that they have full power to alienation ^{without licence.} do, and always have done so, it is agreed that as soon as they are alienated, they be taken into the hand of the King by the Escheator, so as in England, and so remain until they have made satisfaction to the King; and that the Justiciar, the Treasurer, and the Council jointly have power to take such kind of fines; and that henceforth ^{Feoffments.} none have power to enfeoff another of land which is held in chief of the King, save to hold of the King in chief, and that by leave of the King or of the Justiciar, if it be not in land of war or in the marches, and that there the lords that hold of the King have full power to enfeoff others to hold of them for the defence of the land, to their profit and to the increase of the lordship of the King and of his peace; and that the lords have such power in this last case to make feoffments, until the King advises at another time or until he wish to recall it. So nevertheless that the feoffments which have been made before this recall, shall be and are firm and established.

III. It is agreed that no seneschal of a liberty be a Justice Itinerant or of the Bench, or elsewhere where franchises ought to be tried.

IV. Concerning the "Fifteenth" in Ireland, let it be done according to the form that they have there, and as was done in England, and the expenses of the Taxers and of the Collectors be in the discretion of the Treasurer and of the Barons of the Exchequer of Ireland, so as in England.

E aussy veut le Rey qe les teres le Rey e les Curz qe sunt baylles a ferme a tenyr a la volunte le Rey pur meyns qe la dreyte value seyent reprys en la mayn le Rey e baylles a certeyne gens qe respoynent pur la verreye value ausy come le Tresorer verra qe meuz seyt a fere al prou le Rey.

E ueut le Rey qe les fez des Justices e autre mynystres le Rey en Irlaunde les quels fez il soleint prendre al commencement del terme pur le terme qe fust auenyr qe Justices et touz les autres qe fe pernent seyent paez de lur fez a la fyn de checun terme aussy come il est fet en Engletere.

25 EDWARD I. A.D. 1297.

[THE BLACK BOOK OF CHRIST CHURCH, DUBLIN, fol. 6-S.]¹

De consilio Hibnie p magnatos totius illius insule.

p divisione
comitatum
& meliori
regimine
regni.

JUSTICIARIUS hic de coi consilio domini Reg in hac Pra
ad pacē firmius stabiliend ordinavit & statuit gestale
pliamētū hic ad hūc diē. Et mādatū fuit Archiep̄is, Ep̄is,
Abbatibz, & Prioribz quoq̄ p̄sencia videt ad hoc ēē necessaria,
nō & Comitibz Baronibz & aliis optimatibz frē hui' videlicz
unicuique eoq̄ p se qd ēēt hic ad hūc diē ec̄. Et nichōwin'
p̄ceptū fuit vicecomitibz Dublii, Loueth, Kyldar, Wafford,
Typerary, Cork, Lymyk, ker̄, Connā, & Roskoman, nō &
Senescalt libertatū Mydye, Weyseford, katherlagh, kylkeñy, &

¹ The entry in the Black Book is without date. William Lynch, in his *Legal Institutions, &c., in Ireland*, and others, attribute this parliament to the 23rd year of K. Edward I., while Sir William Betham, in his *Early Parliaments of Ireland*, adduces evidence of its having been held in 1297, in the 25th year of that King's reign. Betham noticed that in the record itself, Richard Taff and William de Hacche appear as Sheriffs of Dublin and Louth, respectively, and, on search, he found them accounting as such in the Great Roll of the Pipe for that year.

The statute enacts that the Liberty of Kildare shall be a county in itself, with sheriff, &c.; and a Justiciary Roll, 25 Edward I., confirms Betham's dating of the enactment. From an entry at m. 19 of this Roll, wherein are recorded Common Pleas held before John Wogan, Chief Justiciar, on 5th May, 1297, it appears that in a certain case the seneschal of the

V. And also the King wills that the lands of the King Resumption, and the courts, which are let to farm, to hold at the will of ^{and reletting} lands the King, for less than the right value, be resumed into the hand of the King, and let to certain persons who shall answer for the true value, so as the Treasurer shall see what is best to be done for the profit of the King.

VI. And the King wills that the fees of the Justices and Fees of other ministers of the King in Ireland, which fees they are accustomed to take at the beginning of the term for the term to come—that Justices and all the others who take fees be paid their fees at the end of each term, so as it is done in England.

25 EDWARD I. A.D. 1297.

OF the Council of Ireland by the magnates of all that island.

The Justiciar here, with the common council of the lord For division the King in this land, in order to establish peace more of counties and better firmly, ordained and appointed a general parliament here rule of the at this day. And it was commanded to the Archbishops, realm. Bishops, Abbots, and Priors, whose presence seems to be hereunto necessary, also to the Earls, Barons, and other chief persons of this land, to wit, to each of them severally, that they should be here at this day, &c. And likewise it was commanded to the sheriffs of Dublin, Louth, Kildare, Waterford, Tipperary, Cork, Limerick, Kerry, Connaught, and Roscommon, and also to the seneschals of the liberties of Meath, Wexford, Carlow, Kilkenny, and Ulster,

Liberty of Kildare had, some little time before, failed in acting on a writ, and the record goes on to say that because a sheriff is newly created there, in place of a seneschal, the sheriff is directed to distrain the parties. This entry tends to prove that the parliament which enacted this statute sat in the early part of 1297.

The text of the above will be found printed in the *Miscellany, Irish Archaeological Society*, 1846, p. 15, and Betham has a translation at p. 262 of his work, above cited.

vltoñ, qd unusq; eož p se videlicz vicecomes in pleno Comitatu suo & Senescallus in plena Cur^a sua libtatis seu p assensū Comitatus sui seu libtatis eligi faet duos de pboribz & discrecoribz militibz de singul Comitatibz & libtatibz, qd hic nūc infessent plenā potestatem habentes de tota cōitate Comitā & libtatis z̄c, ad faciend & recipiend z̄c, & qd quilibz vicecomes & Senescallus fuissēt hic in ppis psonis z̄c. Et Thom Mydens, Nichs Leglinens, z̄c Epi, & Ricardus de Burgo Comes vltonye modo venit, & similis Ricard^o Taff viç Dublinye, Wili de hacche, viç Loueth, z̄c, Wal^o Trouman seneschalus de Trym z̄c, simiſr veniūt, & brevia sua retornata, & Walſ de la Haye & Eustacius le Poer electi p cōitate libtāt Kylken Jeorgius de Rupe electus p cōitatē Comitatus Lyflyk, z̄c -veſtūt. Et Nicholaus Ardmacadens Archieps & cel'i absenciam suā excusantes miserūt hic pecuratores seu attornatos suos, videlicz pdcs Archieps I. & N. z̄c, set Wili Archieps Tuamenis z̄c, nō veñ. Et similis Hugo de Leis un^o electo p Comit de Lyflyk, z̄c nō veſtūt. Ideo ipi in mia. Et in pſencia pdcoz Epoz Mydens, Leglinens, & Comit & Baronū & alioz optimatū hic cōpenciū de cōi consilio dñi Reg in hac fra fūt quedā pvisiones, & vnanimiſ ab oibus^o concordate & concesse saluo Jure dñi Reg z̄c.

In p'mis quia visū est qd Comitat^o Dublii nimis est confus^o & ptes eius nimis ab inuicē remote & dispse, v^opote vltonia & Mydia, & postmodū Lagenya cū valle Dublii z̄c, p quod min^o cōpeñt deseruit^r dno Regi in pceptis suis, & Curie sue, n^onō & ppis suus min^o sufficien^r regit^r siue gubernat^r. Concordatū est qd de celo sit qdā vicecomes in vltonya tam de Croceys vltonye q^om ad faciend execuções in libtate vltonye cū

that each of them by himself, to wit, the sheriff in his full county court, and the seneschal in his full court of the liberty, by the assent of his county or liberty, should cause to be elected two of the most honest and discreet knights of the several counties and liberties, that they should now be present here, having full power from the whole community of the county and liberty, &c., to do and to receive, &c., that each sheriff and seneschal should be here in their proper persons, &c. And Thomas bishop of Meath, Nicholas bishop of Leighlin, &c., and Richard de Burgo earl of Ulster, now come, and in like manner Richard Taff sheriff of Dublin, William de Hacche sheriff of Louth, &c., Walter Trouman seneschal of Trim, &c., likewise come, and their writs returned, and Walter de la Haye and Eustace le Poer, elected by the community of the liberty of Kilkenny, George de Rupe, elected by the community of the county of Limerick, &c., came. And Nicholas archbishop of Armagh and the others, excusing their absence, sent here their proctors or attorneys, to wit, the said Archbishop I. and N., &c., but William archbishop of Tuam, &c., came not. And in like manner Hugh de Leis, one of those elected by the county of Limerick, &c., came not. Therefore they in mercy. And in presence of the aforesaid Bishops of Meath and Leighlin and the Earl and Barons, and other chief persons here appearing of the common council of the lord the King in this land, certain provisions were made and by all unanimously agreed to and granted, saving the right of the lord the King, &c.

I. Firstly, whereas it is seen that the county of Dublin is too much scattered, and the parts thereof too far removed from each other and dispersed, as well Ulster and Meath, and then Leinster with the vale of Dublin, &c., whereby it less competently obeys the lord the King in his precepts and those of his court, and also his people is less adequately ruled or governed. It is agreed that henceforward there be a sheriff in Ulster, as well Sheriff in Ulster. of the crosses of Ulster, as to carry out executions in the liberty of Ulster, when default is found in the

defectus inneniat^r in Senescalt p̄dce libtatis, & qd vicecom̄ Dublii am^o se nō int^omittat in vltanya. Concordatū est eciā qd Mydyā sit un^r Comitat^r p se, tam videlic^j Pra libtatis de Trym q^um Pra Teobaldy de Verdon, & omnes frē Crocearū inf^r p̄cinctū Mydyē existētes, & qd de ceſo sit ibi &tus vicecomes & Comitatū suū teneat apd kenles quolibet die Jouis post Comitatū Dublii & ip̄e execuções faciet in p̄dca libtate de Trym cū defectus inueniat^r &c. Et p̄dcs Teobaldus de Verdon p se & Almarico de ſco Amando tenēte ſuo & eoꝝ heredibꝫ concessit, qd ip̄i de cetero faciet ſectā ad p̄dcm Comitatū Mydie p ſic qd absoluant^r a ſectis q^us deſnt ad Comitatū Dublii, & eis cōcedit^r. Comitatus etiā kyldaꝫ q̄ quondā fuit libertas intendens Comitatui Dublii sit de ceſo Comitat^r p se una cū fr̄is Croceis & aliis fr̄is pticipū dñici lageñ inf^r p̄cinctū eiusdm̄ cōtentis a iurisdicōne vicecomitis Dublii totalit^r absolut^r. Et sit ibi vicecomes ſicut nūc eſt &c.

Item quia quidā magnates & alii qⁱ q^usdā fr̄as h̄nt in Marchiis p̄pe hȳbnicos & alias fr̄as in t̄ra pacis manēt, & morant^r in mafiiis ſuis in t̄ra pacis fr̄is ſuis in Marchiis relictis vastis, & incultis, & ſn̄ custodia & felonies hȳbni ci p̄ mediū hui^rmodi t̄rarū vastarū in Marchiis ſuis t̄nſeunt̄ libe p̄t̄nſeūt ad p̄pt̄nd roberias, homicidia, et alia mala ſr anglicos & p̄ eas redeūt ſn̄ arreſtaōne, clamore, vt impediōto, p̄ quod q^uplures Marchie vt ſōnino deſtruūt, au^r p̄ maiori pte ruinoſe ſūt Anglii inhabi‐tātēs & felonibus obediūt: ut q^usi in exiliū effugant^r. Concordatū est q̄ teñtes hui^rmodi cui^rcūq; ſūnt auctoritatis ſeu condiōnis apponāt & h̄eant Wardas in fr̄is ſuis in Marchia

seneschal of the aforesaid liberty, and that the sheriff of Dublin intermeddle not henceforth in Ulster. It is Meath to be a county with sheriff, also agreed that Meath be a county by itself, to wit, as well the land of the liberty of Trim as the land of Theobald de Verdon, and all the lands of the crosses being within the precinct of Meath, and that there be henceforth a sheriff there, and that he hold his county court at Kells on each Thursday after the county court of Dublin, and he shall make executions in the aforesaid liberty of Trim when default is found, &c. And the aforesaid Theobald de Verdon, for himself and Almaric de Saint Amand his tenant and their heirs, granted that they will henceforth do suit at the said county court of Meath aforesaid, so that they be absolved from the suits which they owe at the county court of Dublin, and it is granted unto them. Moreover that the county of Kildare a county with sheriff, which was formerly a liberty intentive to the county of Dublin, be henceforth a county by itself, together with the Cross lands and other lands of the parcelers of the lordship of Leinster, contained within the precinct of the same, totally discharged from the jurisdiction of the sheriff of Dublin. And that a sheriff be there as now is, &c.

II. Likewise whereas some great persons and others who have divers lands in the marches near the Irish, and other lands in a land of peace, remain and dwell in their manors in a land of peace, their lands in the marches being left waste and uncultivated and without a guard; and Irish felons by means of such waste lands in their marches, pass freely through to perpetrate robberies, homicides, and other mischiefs upon the English, and return through them without arrest, hue-and-cry, or hindrance; whereby very many marches are either altogether destroyed or are for the greater part ruinous, and the English inhabitants either obey felons or are driven as it were into exile. It is agreed Marches to be that tenants of this kind, of whatever authority or condition they be, place and have wards in their lands in the march, according to the quantity of those lands, least

inx* q^{nt}itatē frarū illarū ne maleftores p^{nt}neat p^{nt}ras illas
inpunes, ut nō psecuti, & quociens necesse fuit teñtes hui^omodi
ad hoc distingant^r p^{nt} capconē frarū illarū in manū dñi Reg^r, &
modis aliis q^{ib}z Cur^r dñi Reg^r meli^r videbit^r expedire.

C. Freqn^r ecia accidit qd felones evadūt cū predis suis aliq^{ndo}
captis in tra pacis p eo qd compatiote nō hnt equos ad arma
ad inseqn^d eos sicut expediret. Q^{app}l concordatū est & con-
cessū, qd quilibz tenēs xx libratas fre siue in marchia siue in
tra pacis cui^ocūque fuit cōdīconis habeat vnū Eqū competēt^r
cooptū, una cū cefis armis q ad hoc ptiñt cōtinue pmpūt in sua
mansione. Alii autē teñtes hant hobinos & alios Equos dis-
cooptos iux^a suas facultates. Et quociens defcs repiat^r in aliq^o
distingat^r deficiens & puniat^r scdm arbitriū Justi^r, vi^r & seū.
Magnates ecia & alii qⁱ morant^r in anglia ut alibi ex^r tra istā
qui pfectua fre sue t^{nsf}ri sedūt ad eos ab hac tra & nich^o hic
dimittētes ad saluand^r teneñta sua seu teñtes eorūdē de cefo
pmittat porconem cōpetēt remanēt, salti in manibus balliuoz
suo^r p q^{am} fre sue pp'e cōpen^l saluari poterint & defendi si
guerrā seu pacis pt^rbacionē p aliq^{os} contig^r it ibi suscitari. Et
ad hoc faciend^r cū op^r fuit p vicecomi siue senescallū efficacit^r
distingant^r.

C. Freqn^r ecia euadunt felones cū pdis suis p eo qd cōpatiote
simul cū eis nō insurgūt s^r quidā eo^r q^{si} qgaudētes dāpno. &
ruine vicini sui quo iuste dolere debent se simulat^r & tabescūt
pmittētes felones hī^o cū pdis suis indēpnes t^{ns}ire. Q^{mob}re

malefactors pass through those lands unpunished or not pursued, and as often as it shall be necessary, tenants of this kind may be distrained thereunto, by taking their lands into the hand of the lord the King, and by other methods which the court of the lord the King shall see most expedient.

III. Frequently also it happens that felons escape with their booty, sometimes taken in a land of peace, because the country people have not armed horse to pursue them as would be expedient. Wherefore it is agreed and granted that every tenant holding xx. librates of land, whether in the march or in land of peace, of whatsoever condition he be, have a horse suitably caparisoned, together with the other arms which hereunto pertain, constantly ready in his dwelling. And that other tenants have hobbies and other horses unarmed according to their abilities. And as often as default shall be found in any one, that the defaulter be distrained and punished, according to the discretion of the Justice, sheriff, and seneschal. The magnates also and others who reside in England or elsewhere out of this land, who cause the profits of their land to be transmitted to them from this land, leaving nothing here to protect their tenements or the tenants thereof, shall from henceforth permit a competent portion to remain at least in the hands of their bailiffs, whereby their own lands may be sufficiently saved and defended, if it happen that war or disturbance of peace should be excited there by any persons. And that when it shall be necessary they shall be effectually distrained by the sheriff or the seneschal to do this.

IV. Frequently also felons escape with their spoils, by reason that the country people do not rise together with them [those plundered], but some of them, as if exulting in the damage and ruin of their neighbour, at which they ought justly to grieve, feign and conceal themselves, permitting such felons to pass unhurt with their spoils.

Certain
tenants to
have horses
&c., ready.

Residents out
of the land to
contribute for
its defence.

cōcordatū est & concessū, qđ cū latrones seu robiatores vefint in aliq^m patā ad capiēd^r þdas vt aliud malū faciend^r oīms cōpat^rote q^a cici^r ad noticiā suā po^rit aduent^r illorū deuenire simul insurgāt, & illos inseq^mnt^r cū effectu. Qⁱcūq^r vō cōpat^rotarū illoz cōuinci po^rit qđ in insurgēdo vel in illos inseq^mndo n^ogligēs fuit ut remissus erga dominū Regē g^uif^r puniat^r, & lesō ptē rei pdite restituat iux^a culpā n^oligēcie sue ut remissionis, & scdm disc^rconē Justic^r ad hui^rmodi q^rrelā audiendā assignati.

C. Quia eciā comūitas Pre huius multū hacten^r g^uata fuit p ex&cit^r quos magnates duxerūt sine Warāto p mediū Pre pacis & Marchiarū vⁱ guerra nō fuit. Cōcordatū est & cōcessū qđ nulli licebit de cetero ex&citū duče ex^r frā suā nⁱ sr hoc licēciā a Capit^r Justic^r ut mādatū hⁱbit spale, & tūc oīms quotq^t duxit p̄cipiēt vadia sua de suo ductore, uñ ra^ronabil^r po^rint in suo Itiñe sustētari. Qⁱ autē huic ordina^roni cont^rvenit erga dñm Regē g^uif^r puniat^r, & lesis dāpna restituit, taxanda p visnetū cōpetentē.

C. Fuit eciā eadē Cōmunitas multociēs g^uata p magnates & alios habētes kaernias viuētes cōtinue sūptib^r alienis tā in Marchiis q^a in Pre pacis p quod pp̄ls v̄chem^r est^r depaupat^r sr q^a cōcordatū est & cōcessū qđ nullus de cefo cui^rcūque fuit auctoritatis vt cōdīcōnis teneat kaernias seu hōies ociosos plures aut alios q^m ip̄emet po^rit & volūbit de suo pp̄o sustiñe, n^o aliq^s hui^r hominū ocioso^r aliq^r de cefo capiat ab aliq^r vicino dñi sui aut alio q^a volūtate donatoris nō coactā, qđ si fiat de cefo ille

Wherefore it is agreed and granted that when thieves or Country robbers shall come into any country to take spoils or to do people to any other mischief, all the country people, as soon as their robbers, &c. approach can come to their knowledge, rise together and effectually pursue them. And whosoever of those country people can be convicted of having been negligent or remiss in rising or in pursuing them shall be heavily Penalty. punished towards the lord the King, and shall restore to the injured party a proportion of the property lost, according to the criminality of his negligence or remissness, and according to the discretion of the Justice assigned to hear such complaint.

V. Because also the commonalty of this land was hitherto much aggrieved by armies, which great men have led without warrant through the midst of a land of peace and of marches where there was no war. It is agreed and granted that from henceforth it shall not be No army to lawful to anyone to lead an army out of his own land, ^{be led} through land unless he shall have had a licence for this from the Chief of peace Justiciar, or a special mandate, and then all, as many as he ^{without} _{licence.} shall have led, shall receive their wages from their leader, that they may be reasonably supported on their expedition. And he who shall contravene this ordinance shall be heavily punished towards the lord the King, and restore to the injured their damages to be assessed by a competent [jury of] the neighbourhood.

VI. The same commonalty has also on many occasions been aggrieved by magnates and others having kerns, continually living at other people's expense, as well in the marches as in land of peace, whereby the people is excessively impoverished. Whereupon it is agreed and granted that no person henceforward, of whatsoever authority or condition he be, keep kerns or idle men more or other than he himself can and will, out of his own resources, support; nor shall any of such idle men henceforth take anything from any neighbour of his lord or other, against the unconstrained will of the giver; which if it be done henceforward, he who shall have kept such idle men

^{No one to}
^{keep more}
^{kerns or}
^{idle men than}
^{he can}
^{support.}

q*i* hui*o* ociosos ten*bit* g*ui*l*p* puniat*r* p Justi*c* vicecomit*e* & seneschall*u*, & lesis d*apna* restituat, & o*c*cosus ille capiat*r* & imp*sonet**r* quousq*u* g*ram* a Cur*a* d*ni* Reg*e* f*lit* opt*is* n*e* s*n* pleuina q*d* b*n* se geret in post*u* dimittatur a p*sona*.

C. Fre*qn**l* eci*a* felones hy*b*nici ad scelera ppetranda for*co*res s*u*t eff*ti* p hoc q*d* c*u* ad guerr*a* f*lit* ut ali*qm* int*ed*ut destruere p*q*i*r*ut trebas seu treugas per quosdam anglicos de vicinis suis s*i* dari p *et*u temp*o* ut integr*is* & secur*is* vacare possint ad alios vicinos suos destru*ed*os, q*o*s c*u* destru*x*int sepe c*o*tingit q*d* iidem hy*b*nici eos*dm* quos p*ius* amicos *ce* s*i* simular*u* inf*o* temp*o* t*e*be seu treuge p*sequ*it*r*, forceletta eo*z* & maf*ia* destru*u*t & c*o*bur*u*t. Et ne hui*o* picul*u* eu*eniat* de ce*lo*, C*o*cordat*u* est & c*o*cess*u* q*d* nulli licebit de ce*lo* h*ire* ut te*le* trebas seu treugas c*u* hy*b*niciis ad guerr*a*, ut extra pac*e* existentib*z*, nisi treba illa seu treuga sit uniu*rs*at et equa*l* us*us* om*es*, nullo fideli*u* excepto ut relichto. Q*i*. aut*em* a*tr* treba seu treug*a* cepit ut c*o*cesserit hy*b*niciis ex*a* pac*e* existentib*z* puniat*r* erga d*nm* Reg*e* tan*q**u* pt*ice*ps maleft*i* hui*o*modi hy*b*nico*z* & les*o* pt*e* re*i* pd*ite* restituat sicut sup*ius* d*cm* est de c*o*pat*io*ta c*u* vicino suo s*r* felon*e* insurgere n*o* vol*e*te.

C. Fre*qn**l* eci*a* hy*b*nici ad guerr*a* c*o*citant*r* p hoc q*d* c*u* ad pac*e* sint ut treba seu t*e*ug*a* f*lit* gehal*u* p *et*u t*e*p*o* ut tui*co* pacis p Cur*a*m d*ni* Reg*e* eis co*cess*a f*lit*, q*d**a* cupid*it*ate ducti q*d**a* v*o* vindicte *ca* ut inuidie seu namii capi*ed*i insidi*ates* eis subito ut noctan*l* ru*u*t in eos fras eo*z* it**nt* p*das* rapi*u*t, ut eo*z* ad*ia* aut

shall be heavily punished by the Justice, sheriff and senechal, and indemnify the injured, and that such idle man be taken and imprisoned until he shall have deserved to obtain grace from the court of the lord the King; nor shall he be discharged from prison without bail for his good behaviour in future.

VII. Frequently also Irish felons are better enabled to perpetrate crimes by this means, namely, that when they happen to be at war, or intend to destroy any person, they demand truces or armistices to be given to them by some of the English of their neighbours for a certain time, that they may be more completely and securely at leisure to destroy their other neighbours, whom, when they have destroyed, it often happens that the same Irishmen within the time of the truce or armistice attack those whose friends they had before pretended to be, and destroy and burn their forcelets and manors. Therefore lest such a danger occur hereafter, it is agreed and granted that it shall not be lawful to any person henceforth to have or to hold truces or armistices with the Irish, being at war or ^{All truces} out of the peace, unless that truce or armistice be universal ^{with Irish at war to be universal.} and equal towards all, none of the lieges being excepted or left out; and that he who otherwise shall have taken or granted a truce or armistice to Irishmen being out of the peace, shall be punished towards the lord the King as a partaker of the guilt of such Irishmen, and shall restore to the injured party a proportion of the property lost, as is above said of a countryman not willing to rise with his neighbour against a felon.

VIII. Frequently also the Irish are stirred up to war hereby, that when they are at peace or have had a general truce or armistice for a certain time, or tuition of the peace has been granted to them by the Court of the lord the King, some led by covetousness, others from motives of revenge, envy, or of taking pledges, lying in wait for them, rush suddenly or by night upon them, enter their lands, carry off spoils or take and lead away their cattle or the men

holes nich̄ mali salti t̄pe illo medio usus aliquā ppetentes in Marchiis suis inuētos capiūt & abducūt, p quod hyb̄nici illi cū leues sīt aīo statī ad guerjā psiliūt, & vī pat̄a debilior ēe credit̄, ibi deþdant̄ t̄ illos q̄ in nullo pticipes fūt t̄nsgressionis eis f̄ce n̄ inde ciuerunt aut ad hoc cōsenserūt q̄m amicos & affines hui' t̄nsgressoꝝ p quod pat̄e locis pluribus deustant̄, & eo cici' quia raro accidit q̄d hui' t̄nsgessores se fideliꝝ int̄mittāt ad pacē marchiarū sustētandā. Et ad malū hui' vitand̄, deceþo cōcordatū est & cōcessū q̄ nulli licebit in futurū q̄scūq; hyb̄nicos ad pacē existētes ut habētes ētā t̄bā seu treugā durātē t̄pe trebe seu t̄euge, vt durātē t̄pe tuiçonis pacis eis q̄cesse dūmō hyb̄nici illi pacē tenſit t̄pe illo iuad̄e, seu insultare q̄cūq; de āa vt colore, n̄ aliq̄d ab eis rape seu cape cont̄a volūtātē eoꝝ nō coactā, q̄ si quis q̄venire p̄sūperit ḡuiꝝ erga dñm Regē puniat̄, tanq̄ pacis sue p̄t̄bator, & nichō hyb̄nicis sic leſis dāpna restituat taxanda p visnetū cōpetētē.

C. Freqñf eciā accidit q̄d cū hyb̄nici se dederint ad guerrand̄ ex arrupto uel in puiso Capiūt Justiūtū tūc in ptib; remotis agēte pauci uel nulli repiūtūr q̄ resistāt & eoꝝ malef̄a rep̄māt ut pturbēt p q̄ sepius t̄re marchiarū q̄mplurimū deustant̄. Ad quod piculū vitand̄ in p̄terū cōcordatū est & cōcessū q̄d q̄m cici' hyb̄nici p homicidia ut incēdia seu p̄das capiēdo se pos̄fint ad guerrand̄ oīms degētes in Comitatu seu libtate vī hyb̄nici illi sūt morātes, & eciā vicini sui de cōfinio Marchiarū suarū cōcordiꝝ & insimul insurgāt in hyb̄nicos, & eis guerrā manu teneāt sūptib; suis pp̄is q̄usq; hyb̄nici illi ad pacē se reddidint vel trebas seu treugas optinūt a magnatib; t̄re illius ad hoc

found in their marches, who at least in the meantime are committing no mischief against any person ; whereby those Irish, as they are excitable, rush instantly to war, and wherever the country is believed to be weakest, there they plunder, as well those who were in nothing partakers of the wrong done them, nor did they know thereof or consent to it, as the friends and kin of such transgressors, whereby the countries are devastated in many places and so much the sooner, because it rarely happens that such transgressors interfere loyally to support the peace of the marches. Therefore to avoid such mischief hereafter, it is agreed and granted that it shall not be lawful to any person in future for any cause or pretence to invade or attack any Irishmen being at peace, or having a fixed truce or armistice, during the time of the truce or armistice or during the time of the tuition of the peace granted to them, provided those Irishmen shall have kept the peace during such time, nor to seize or take anything from them against their unconstrained will ; which if any person shall presume to contravene, he shall be heavily punished towards the lord the King as a disturber of his peace, and shall also restore to the Irish so injured, their damages to be assessed by a competent [jury of] the neighbourhood.

IX. Frequently also it happens that when the Irish have betaken themselves suddenly or unexpectedly to war, the Chief Justiciar acting then in remote parts, few or none are found who can resist and repress or interrupt their ravages ; whereby the lands of the marches are very often extensively devastated. To obviate which danger in future, it is agreed and granted that as soon as the Irish by homicides or burnings or plunderings shall have set themselves to war, all persons dwelling in the county or liberty where those Irish are remaining, and also their neighbours on the confine of their marches, shall with one accord and jointly rise upon the Irish and maintain war upon them at their own expense, until those Irishmen shall have rendered themselves to peace or obtained truces or armistices from the magnates of that land, hereunto deputed, or the Chief

No Irishman
at peace or in
truce to be
attacked.

Dwellers in a
country when
attacked to
rise.

deputatis, vt qd Capitali Justiciari^o aliud inde dufit ordinand. Huic eciā ordinaōoni nō obediēs p Justiō, vicecomī, seu seneschallū distringat^r, & p rebellione sua puniat^r p deflitis culpe sue.

C. Hybni ciā de densitate boscoꝝ & profunditate morarū adjacēsiū confidētes assūunt audaciā cicius delinqndi maxime cū via regia locis q^amplurimis spissitudine bosci utocif crescentis iā sūt indensate & obtruse qd vix aliq^s ē pedestris p eas posit t^mnsire p quod cū Hybni post malefīca sua refūtentes ad hoscu huiusmodi ut morā possint ptinge licet cōpatiōte cōmuniū vellent eos inseqⁱ & eos inseq^{nt} euadūt sepi^r sū d^apno vi si pafet accessus, ab eis qⁱ eos inseq^{nt} forent dephensi. Sup q^o ordinatū est & cōcessū qd d^ani boscoꝝ p mediū quoꝝ via regia fuit ab antiq^o vna cū teñtibꝫ suis passus v via regia fore debꝫ basso ppe frā & sat large sūptibꝫ suis & teñciū suoꝝ scindi faciat & colpari, adeo qd via pateat satis larga & a spinis & arboribus tā stantibꝫ q^am jacētibꝫ totaliꝫ emūdet^r. Si v^o dns & teñtes sui de loco vi passus colpandus fbit suff^{re} n poftūt sū magno dāpno custagia ad hui^modi colpaōonem neēca tūc dns Rex vt Capit Justiciarius h̄re faciat eis auxiliū de tota patia adjacēte. Et si dns ille cū teñtibꝫ suis s^c face n^glekit p vicecomī distingat^r ad hoc facient^r, vel Capit Justiō illud fieri faciat sūptibꝫ eoꝝ, & nichomin^r erga dnm Regē g^auit puniant^r. Pōtes eciā & Calceta repent^r in locis suis sicut ēe deſent & solent & vi disrupta & cōfracta fūnt siue pōtes siue Calceta, & ille qⁱ ea repars tenet^r non sufficiat ad tāta custagia patie

Justiciar shall have determined to order anything else therein. And that he who is not obedient to this ordinance shall also by the Justice, sheriff or seneschal be distrained and punished for his rebellion according to the deserts of his crime.

X. Likewise, the Irish confiding in the thickness of the woods and the depth of the adjacent bogs become more rapidly daring in doing mischief, especially when the King's highway in very many places is now so closed up and obstructed by the thickness of quickly growing wood, that scarcely any person, even on foot, can pass through them, whereby when the Irish returning after their misdeeds can reach a wood of this kind or a bog, although the country people in a body should wish to pursue them, and do pursue them, they often escape without hurt, whereas if access were open, they would be caught by those who pursue them. Whereupon it is ordained and granted that Ancient high-
ways through
woods to be
preserved,
passes cut
and cleared.
the lords of the woods through the midst whereof the King's highway anciently was, shall with their tenants cause passes, where the King's highway should be, to be cut and cleared low down, close to the ground, and sufficiently wide, at their own expense, and that of their tenants, so that a road of a sufficient width may be opened, and totally cleared from briars and trees as well standing as lying. But if the lord and his tenants of the place where the pass should be cut, cannot without great loss support the costs necessary for such cutting, then that the lord the King or the Chief Justiciar do cause them to have aid from the whole adjacent country. And if that lord with his tenants shall have neglected so to do, that he be distrained by the sheriff to do the same, or the Chief Justiciar may cause it to be done at their expense, and that they nevertheless be heavily punished towards the lord the King. That bridges and causeways to be repaired.
bridges and
causeways to
be repaired.

ad quoꝝ pfectū erūt reueata inueniēt cōiter ad ea reueand
 & reueata manuteneat ille qⁱ tenet^r, & nichomin^r cū facultas
 ei subfūit, reddit unicuiq^z qd pacavit, Capit autē Justic^g uif^r
 puniat quos huic ordinacioni q^zrios inuefit ut rebelles. Tota eciā
 comunitas lageñ q quondā fuit vna libtas simul leuent simul
 q^zbuant simul guerram ūsus hybnicos manuteneant vnanimi
 cōsilio ducant^r & q^zdicētes & discordes g^{uif} puniāt^r.

C. Anglii eciā quasi degeſies modernis ſpibus hybnicilibz se
 induūt vestifintis, & habētes Capita semirasa capillos a ret^o
 capit is nutiunt & allōgāt, & illos Culan vocāt hybnicis tā habitu
 q^zm facie ſeſe cōformātes p q freqn^r accidit anglicos quoſdā p
 hybnicis reputatos infici licz anglicoꝝ & hybnicooꝝ occisio
 diūſos modos postulat puniādi, & p occiſione hui^r inf q^zmplimos
 iimicieſ maſia geſflat^r & rancoris. Affines q^z tā occisoris q^z
 occisi ſepe pat^onūt alpnati velud inimici. Et eo circa
 cōcordatū eſt & concessū qd oſns anglii in hac Fra ſaltī in
 Capite q plus viſui ſe pſentāt mores & tonsurā gerant anglicoꝝ,
 n^o amplius pſumāt au^ore comes in Colanū, quod ſi feſint Justic^g
 vicecomiſ Senescallus liſtatū dñi eciā in quoꝝ dñio anglii hui^r
 repian^r, & eoꝝ ſenescallus anglicos illos p Fraſ & Cataſ ſua,
 n^o & p areſtaſonem corporis ſui & imprisonamentū ſi necc fuit
 habitū hybnicalem ſaltī in Capite ſeu Capiſt relinqre diſtingāt, &
 cōpellant, n^o amplius respōdeat^r anglico caſd habenti in forma
 hybniſi t^onſmutatū q^zm hybniſo respondet^r ſi in caſu cōſimili
 qſtus eſt.

the districts for whose benefit they shall be raised shall find means in common to rebuild them, and that when rebuilt he who is bound shall maintain them, and that nevertheless when ability shall serve him he shall restore to every person what he has paid. And that the Chief Justiciar Penalty. heavily punish those whom he shall find adverse or rebellious to this ordinance. Also that the whole community of Leinster, which formerly was one liberty, shall together levy, together contribute to, together maintain, war against the Irish, be led by a common counsel, and that the refractory and discordant be heavily punished.

XI. Englishmen also as degenerate in modern times, attire themselves in Irish garments and having their heads half shaven, grow and extend the hairs from the back of the head and call them *Culan*, conforming themselves to the Irish as well in garb as in countenance, whereby it frequently happens that some Englishmen reputed as Irishmen are slain, although the killing of Englishmen and of Irishmen requires different modes of punishment. And by such killing matter of enmity and rancour is generated amongst many. The kindred also, as well of the slayer as of the slain, are often by turns struck down as enemies. And therefore it is agreed and granted that all Englishmen in this land wear, at least in that part of the head which presents itself most to view, the mode and tonsure of Englishmen, nor longer presume to turn their hair in the *Culan*, which if they shall do, that the Justice, sheriff, seneschal of liberties, and also the lords in whose lordship such Englishmen may be found, and their Englishmen not to use the *Culan*, or dress as Irishmen. seneschal distract and compel those Englishmen by their lands and chattels, and also, if it shall be necessary, by arrest of their body and imprisonment, to relinquish the Penalty. Irish dress at least in the head or hair, and that there be no further answer made to an Englishman having his head transformed in the fashion of an Irishman, than would be made to an Irishman if he should complain in the like case.

C. Assignent^r de ce^o in quolib^z Comitatu & qualib^z li^htate vi
hi^bnici st inhabitat^e duo magnates qⁱ cū Capitalis Justiciarius
in remotis ptib^z exti^fit cū hi^bnici p^ciu illarū ¹ ad
guerrā se poⁿtib^z liceite tractent p^r bono pacis, & si deposcat
cōmunis vtilitas eis p^r aliq^z curtum t^pis spaciū trougā seu trebā
sub bo^a securitate hinc inde facienda cōcedat gefhalē, & stati
mādent Capit^r Justi^c quid agat^r sr hoc distinete & apte ut i^pe
Justiciari^o cōpēns remediū sr hoc faciat ordinare².

27 EDWARD I. A.D. 1299.

[JUSTICIARY ROLL, 27 EDWARD I. m. 20.]

Placita Parlementi apud Dubⁿ coram Jo^he Wogan Capit^r
Justi^c Hi^bn & consilio Reg^r &c. a die Pasch in xv. dies
anno r^o R. E. xxvii^o. Wogan.

AND p^cauendū dampno quod posset eueni^r p^r falsas monet^{as}
quas di^usi m^catores ext^anei ducunt in hanc f^ram de
quib^z quidem monetis aliq^z libra non valet ult^a quinq^z solidos
s^flinguo^z & aliq^z libra valet parū plus, et facte sunt huiusmodi
monete apud ffaukemont & aliis di^usis locis in Alemannia ubi
de gr^a Reg^r prius fuit pmissū q^d moneta que vocatur les
Ballardz, & monete consimiles de quib^z quelt libra valet ad
min^r decem & octo solid^r currerent in^r monetam Reg^r vocatis
coram Justi^c hic & consilio &c duob^z de legaliorib^z Ciuiib^z &
Burgensib^z cuiuslt Ciuitatis & Burgi ubi huiusmodi m^catores
applicant in hac f^ra, electis ad hoc p^r Comitates p^cdco^z Ciui-
tatū & Burgo^z p^r p^cdco^z Justi^c & consiliū et de assensu p^cdco^z
Ciuiū & Burgeū, concordatū est & puisū, q^d in quoit portu,
Ciuitate & Burgo, & feriis vbi huiusmodi m^catores applicant &

¹ Blank in original.

² So in MS. for ordinari.

XII. That there be henceforth assigned in every county and every liberty where the Irish are inhabitants, two magnates, who when the Chief Justiciar happen to be in remote parts, when the Irish of those parts lawfully treat for the good of peace with those placing themselves in a state of war; and if the common advantage demand, may grant them, for some short space of time, a general truce or armistice, under good security to be given hereupon, and shall immediately send to the Chief Justiciar what is done hereupon, distinctly and openly, that the Justiciar himself may cause a sufficient remedy to be ordained hereupon.

In absence of
Justiciar, two
magnates in
each county
to treat for
peace.

27 EDWARD I. A.D. 1299.

PLEAS of Parliament at Dublin before John Wogan, Chief Justiciar of Ireland, and the Council of the King, in fifteen days from Easter in the 27th year of the reign of King Edward.

To provide against loss which may arise by false moneys which divers foreign merchants bring into this land, of which moneys any pound is not worth above five shillings sterling, and another pound worth little more, and such moneys are made at Faukemont and divers other places in Germany, where by the King's grace it was before permitted that money which is called the Ballards and like moneys, of which each pound is worth at least eighteen shillings, should run with the King's money; having called before the Justiciar here and the Council, &c., two of the most worthy citizens and burgesses of each city and burgh where such merchants arrive in this land, elected for this by the communities of the said cities and burghs. It is agreed and provided by the said Justiciar and Council, and with the assent of the said citizens and burgesses, that in each port, city and burgh, and fairs, where such merchants arrive and

Against false
money and for
regulation of
the currency.

excent, assignantur & te psone legales ad hoc iurate ad scrutand
 & &chiand m^catores quoscūq, tam in Naui q^a ext^a, si huiusmodi
 falsas monetas ferant uel habeant et moneta de qua habetur
 suspicio mali, statim assaietur p dimidiā vnciam. Et si
 comptū fuit qd libra monete illius non valeat unam m^ccam
 uel amplius, tunc moneta illa que sic falsa repietur arrestabit^r &
 saluo custodietur p pd̄cōs scrutatores quousq, p consiliū Regē
 aliud inde huerint in mandatis, et in Sc^acio videbit^r si debeat
 Regi forisfieri uel non. Monete vero quaꝝ vna libra valet
 vnam m^ccam vel vlt^a et etiam om̄es alic monete de argento
 modo sparse & diuulgat^e in hac Fra, nisi fisse vel fracte fuit
 vlt^a mediū currant p totam fram, quousq; aliud inde fuit
 ordinatū. Et q^a fama coñis est qd m^catores huiusmodi tulerūt
 & asportañt monetam dñi Regē & argentū purū ex^a hanc fram
 ad escambiēd in ptibꝫ alienis p falsa moneta in has ptes
 doferenda; puisū est & ordinatū qd pd̄cī scrutatores scrutent^r
 & cherchient naues, marinello^s, m^catores, & alios quoscūq, &
 non pmittant monetam Regē, nec aliquod aliud argentū purū
 tnsuehi ex^a hanc fram, ad aliquod escambiū faciendū, uel ad
 alias m^candiss exccendas p^q ad rōnabiles missas marinello^s
 illoꝫ & m^catoꝫ et saluis magnatibꝫ alibi morantibꝫ exitibꝫ fraꝫ
 suaꝝ quas habent in hac Fra, ducendis uel mittendis ad eos
 scdm quod inde p consiliū R hic fuit ordinatū.

Postea in septimana Pentecostes, dñs Rex mandauit sup hoc
 Justi^c hic bre suū patens, sicut patet iuferius in rotulis istius
 pmini &c.

Audita etiam querimonia Comitatū diusoꝫ Comitatū, de
 eo qd famuli, carucarii, caretarii, trituratores & alii ſuientes
 sui contempnū ſuire de ſuiciis de quibꝫ ſuire solebant p
 fertilitate instantis anni vocatis de diuſis Comitatibꝫ, Militioꝫ
 & aliis pbris & legalibꝫ homibꝫ, concordatū est & puisū, qd

occupy themselves, there be assigned certain lawful persons sworn for this purpose, to examine and search all merchants as well in ship as without, if they carry or have such false moneys, and money of which there is suspicion of badness, be forthwith assayed by the half ounce. And if it shall appear that the pound of that money be not worth one mark or more, then that money which is so found false be seized and safe kept by said searchers, until by the King's Council they shall be otherwise commanded about it, and it appear in the Exchequer if it ought to be forfeited to the King or not. Moneys however, of which one pound is worth one mark or more, and also all other moneys of silver now scattered and commonly used in this land, unless they be split or broken beyond the middle, shall be current through the whole land, until it shall be otherwise ordained therein. And because it is common fame that such merchants carry and bring away money of the lord the King and pure silver out of this land, to exchange in foreign parts for false money to be brought into these parts: it is provided and ordained that the said searchers examine and search ships, mariners, merchants and others whomsoever, and do not permit the King's money or any other pure silver to be carried out of this land to make any exchange, or to use other merchandise, except for reasonable expenses of the said mariners and merchants; and saving to magnates dwelling elsewhere the issues of their lands, which they have in this land, to be brought or sent to them, according as thereof shall be ordained by the King's Council here.

The King's
money not to
be carried
away.

Afterward in the week of Pentecost, the lord the King directed his writ patent upon this to his Justiciar here, as appears below in the rolls of that term.

Also having heard a complaint of the communities of divers counties, for that servants, ploughmen, carters, threshers, and other their servants refuse to serve about the services for which they were accustomed to serve, on account of the fertility of the present year; there having been called from divers counties, the knights and other

Regulations
as to servants
and their
wages.

huiusmodi ſuientes deseruiant ſicut solebant & cū dñis ſuis ſtent, cū quibꝫ prius ſteſunt, & pcipiant libaçones & stipendia, ſicut aliis annis solebant, nec liceat alicui dno dare uel libare famulis ſuis maiores libaçones vel ampliora stipendia, qꝫ dari solebat in pria, qua morantꝫ. Nec alicui liceat allopare ſeu teſte ſuientē vel ancillam vicini ſui ſeu alſius ſine voluntate illius cū quo prius ſteſat, et qui contꝫueſſit alſi istaꝫ ordinaçonū, cadat in miām dñi Regꝫ ad minꝫ de diuindia mꝫreca qꝫm viç loci statim leuabit, & reſtituant n'ominꝫ leſis dampna ſua. Et vicecomites ſimiliꝫ in balliuis ſuis tam infra libatatem qꝫm extꝫ p̄munt huiusmodi ſuientes & ancillas cuiuscūq; condicōnis qui nolunt vel contempſerint ſuire contꝫ p̄dēas puiſones, qđ p̄ p̄ſonam punientꝫ iuxꝫ demita & omibꝫ modiſ]1 aliis, quibꝫ p̄dēi vicecomites viderint expedire. Et fiat inde p̄clamaçō, in quaſt villa m̄c[ā]t¹ feria &c. Et hoc mandatū eſt tam vicecomitibꝫ qꝫm Senescallis libatatuꝫ &c.

Inhibitū eſt etiam ſicut antiquitꝫ fieri conſueuit, qđ porci de ceſo non pafcunt in Corraghto de Kildar, quod eſt corñis paſtura &c. in ſolo dñi Regꝫ. Et viç puniat illos, qui porcos ſuos fugent uel hēant ibi ſodientes uel paſcentes, prius p̄ miām, & poſtea p̄ amissōm porcoꝫ illoꝫ & ḡuius ſi ſepiuſ ſic delinquent.

Audita alias petiçōne Maioris & Balliuoꝫ Ciuitatis Regꝫ Cork, de eo qđ habent allocacōm in Seſcio de xii. libr, ix. ſ. & qꝫtuor dñi, quos ſolūt p̄ p̄ceptū Regꝫ p̄ fretto cuiuſdam nauis que vocata fuit le Snack & p̄ victualibꝫ in ea poſitis, ad t̄nsuehend in Vascoň, ad exēcītuꝫ R̄ tūc ibidm eſtente. Que quidem nauis in Itiſſe illo ſine culpa alicuius a caſu p̄icitata fuit cū

¹ Torn.

good and lawful men, it is agreed and provided that such servants should serve as they were accustomed, and should stay with their lords with whom they stayed before, and receive the liveries and wages as in other years they were accustomed; nor is it permitted to any lord to give or deliver to his servants greater liveries or larger wages than was accustomed to be given in the country where they dwell. Nor is it permitted to anyone to draw away or keep a servant or maid of his neighbour or of another, without the will of him with whom he stayed before. And whoso shall contravene either of these ordinances, let him fall in amercement of the lord the King, at least of half a mark which the sheriff of the place shall forthwith levy, and nevertheless they shall restore their damages to the injured persons. And sheriffs likewise in their bailiwicks, as well within liberty as without, shall warn such servants and maids, of whatsoever condition, who are unwilling or refuse to serve, contrary to the aforesaid provisions, that they shall be punished by prison according to their deserts, and in all other ways, in which the said sheriffs may see to be expedient. And let proclamation be made thereof in each market town, fair, &c. And this is commanded as well to sheriffs as to seneschals of liberties, &c.

It is forbidden also, as anciently was accustomed Against swine feeding in the Curragh of Kildare. to be done, that swine henceforth feed in the Curragh of Kildare, which is common pasture, &c., in the soil of the lord the King. And let the sheriff punish those who drive their swine or have them there rooting or feeding, first by amercement and afterward by loss of those swine, and more heavily if they more often so offend.

Having heard at another time a petition of the mayor and bailiffs of the King's city of Cork, for that they should have allowance in the Exchequer of 12*l.* 9*s.* 4*d.* which they paid by the King's precept for freight of a certain ship which was called the *Snack* and for victuals placed in her, to be conveyed into Gascony to the King's army then being there; which ship was in that voyage, without Allowance to Mayor of Cork for certain freight, &c.

þd̄cis victualibꝫ et similiꝫ qđ habent allocacōm in þd̄co Sc̄cio de octo m̄rcis & duobꝫ solidꝫ, quos similiꝫ solunt ad repaꝫcom Gaole de Cork p b̄re R de Sc̄cio, sub testio Nichi de Clere tunc Thes &c; concordatum fuit qđ maḡr Thomas Cantok Cancellarius &c p p̄bos & leḡ homies de ptibꝫ þd̄cis nō suspectos &c inquireret inde plenius &itatem, qui p sac̄m pboꝫ &c inde fecit inquisicōm &c que dicit qđ þd̄ci maior & Balliui solunt xii. ti. ix s. & q̄tuor deñ p fretto þd̄ce nauis & p victualibꝫ in ea missis &sus Vascoñ occone þd̄ca et qđ þd̄ca nauis in Itiſe illo piclitata fuit cum oñibꝫ rebꝫ in ea existentibꝫ in la Brade-pulle in portu Bristol sine culpa alicuius. Et e[tiam]¹ qđ þd̄ci maior & Balliui p þceptū dñi R p þd̄cm b̄re solunt octo marcas & duos solidꝫ ad rep[acōm]¹ þd̄ce Gaole p manus Roñti Pult'm & Elye Sage conciuiū suoꝫ &c. Iō heant inde allocacōm.¹ ex assensu & consensu tocius consilii &c.

Concordatū est &c. qđ Prior Otm S̄coꝫ iux^a Dublin heat q̄tuor magnas quercus in for¹ Regis de Glencry ad repacōm molendini sui & Pontis &sus Steyne &c. ad vtilitatem [transe]¹ unciū &c.

Kyldar. Concordatū est p Justic̄ & consiliū qđ de ceſo dent^c Constabulaꝫ Casti dñi Regis Kyldar quod [est in]¹ Marchia p custodia ei'dem Casti p annū p feodo suo viginti libre. Et viç Com ei'dem p feod[o suo per]¹ annū decem libre þf feodū quod capit p turnis suis in þd̄co Comitatu.

¹ Torn

fault of anyone, by chance lost, with the said victuals. And likewise that they should have allowance in said Exchequer, of 8 marks and 2 shillings, which likewise they paid towards the repair of the gaol of Cork, by King's ^{Repair of} Cork gaol. writ from the Exchequer, under the *teste* of Nicholas de Clere then treasurer, &c. It was agreed that master Thomas Cantok the chancellor, &c., by good and lawful men of said parts not suspected, &c., should enquire more fully the truth of the matter. Who by the oath of good, &c., made enquiry thereof, &c., who say that the said mayor and bailiffs paid 12*l.* 9*s.* 4*d.* for freight of said ship, and for victuals sent in her towards Gascony on the occasion aforesaid. And that said ship in that *voyage* was lost, with all things in her, in the Bradepulle in the port of Bristol, without fault of anyone. And also that the said mayor and bailiffs, by the lord the King's precept by the said writ, paid 8 marks and 2 shillings towards the repair of said gaol, by the hands of Robert Pultram and Elias Sage, their fellow citizens, &c. Therefore let them have allowance thereof, by assent and consent of the whole council, &c.

It is agreed, &c., that the Prior of All Saints near Dublin ^{Prior of All} have four great oaks in the King's forest of Glencree for ^{Saints, to} ^{have oaks} the repair of his mill and bridge towards Steyn, &c., for the ^{from Glencree.} use of passengers, &c.

It is agreed by the Justiciar and Council that from henceforth there be given to the constable of the castle of ^{Fee of the} constable of Kildare, which [is in the] march, for custody of the same castle by the year, for his fee, twenty pounds; and to the sheriff of the same county for his fee [by the] year, ten pounds, besides the fee which he takes for his turns in the said county.

27 EDWARD I. A.D. 1299.

[JUSTICIARY ROL, 27 ED. I. m. 31, AND

RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 66].

DNS Rex mandauit Justic hic die Mart in septimana
Penthecost b̄re suū patens in hec verba.

Monet.

Edward par la grace de dieu Rey Dengletere, seignur
Dirlaund, e Duc Daquī, a son chier e feal Johan Wogan
Justice Dirlaund saluz, Por ceo qe ñre Realme, e les autres
teres de ñre seignurie, sont replenies de diñses malueises
moneyes, qe sont appelez Pollarz, Crokarz, e par autres nouns,
les queles sont portees e mises en dyt Realme e aillors en ñre
poer par diñses gentz de la outre, e leyns despendues diffelement
a ḡunt damage de nous e de tut ñre poeple, nous par comun
assentement des Prelaz, des Countes, e des Barouns de meisme
le Realme, auoms sur ceo ordene e establi remedye, solonc les
articles, qe sensuent. Premerement qe nul desormes tieus
moneyes ne porte, en le dit ñre Realme, ne aillors en ñre poer,
sour forfeture de vie e des biens, e de q̄nt qil porra forfaire
Issint tote veies, qe tutes gentz de queqe tere, ou de queuqe
pays il seynt, pussent sauueument porter a ñre Cheaunge, totes
maneres de monoye de bon argent, de queuqe coyn de la outre,
ou de queuqe value qe eles seint, saunz ceo qeles soyent
forfetes. E por ceo qe cest establissemement valer ne porra, si
bien ne seit meintenu, ordene est qe bone garde e estreite se
face, en tous les liuz sur la costere de la mer, es porz, e aillors,
ou nule manere de ariuaille est, par boens e leaus Juretz qe
ceaus qe tieles, ou autres mauueises monoyes, porteront,
arrestent oue mesmes les monoyes, e oue tut ceo qil aueront, e
qe mesme cels enuoyent a celui ou a ceaux qe de par no^o
poer auera, ou aueront, por faire iuyse de eaux. Mes cesti
poer pur ceo qe no^o ne sumes pas vncore auisez, queu maner
de iuyse nous en voudroms faire, auoms no^o retenu a nous

27 EDWARD I. A.D. 1299.

THE lord the King sent to the Justiciar here on Tuesday in the week of Pentecost, his writ patent in these words :—

Edward by the grace of God, King of England, lord Money of Ireland and Duke of Aquitaine, to his beloved and faithful John Wogan, Justiciar of Ireland, greeting. Whereas our realm and the other lands of our seignory are filled with divers bad moneys, which are called *Pollards*, *Crokards*, and by other names, which are brought and sent into the said realm and elsewhere within our jurisdiction, by divers persons from abroad, and therein diversely expended, to the great injury of us and all our people, we, by common assent of the prelates, earls, and barons of the said realm, have thereupon ordained and established a remedy according to the articles following :—

In the first place, that no one hereafter bring such ~~False money~~ moneys into the said realm, or elsewhere within our jurisdiction, on forfeiture of life and goods, and of whatever he can forfeit; so always that all persons, of whatsoever land or country they be, may safely bring to our exchange all manner of money, of good silver, of whatsoever coin, from abroad, or of whatsoever value they be, without their being forfeited.

And inasmuch as this ordinance cannot avail if it be not well maintained, it is ordained that good and strict guard be kept in all places on the sea coast, at the ports and elsewhere, where any manner of arrival takes place, by good and lawful men sworn, who shall arrest those that bring such or other bad moneys, with the said moneys, and with all that they shall have, and shall send them to him or them, who on our behalf, shall have power to do judgment on them. But this power, inasmuch as we are not yet advised what manner of judgment we will do therein, we have reserved to ourselves.

mesmes. E voloms q^unt al arrest auaundit, qil se face en ceste manere. Cest a savoir qe la communete de chescun port elise deus boens e leaus hoems de mesme le Port por'les queus les elisours voudront respoudre, q i oue les baillifs de mesme le Port arrestent e cerchent leaument e saunz despert touz ceaus q i ariueront denz leurs gardes, e tut ceo qil porteront, e les cors de ceaus qil troueront q i tieles ou autres maueises monoyes aueront portez enuoyent saunz delay a nre chief prisoun du Counte en quel il serront ariuez. E voloms e comandoms, qe le gardein de mesme la prisoun les receyue e sauueument les garde, tant qe no^o sachoms la manere du fait, e qe nous sur ceo eyons maunde nre volente. E la monoye e autre argent sil yeit deyuent mesmes les gardeins enueier e lyuerer a nre g^unt chaunge, e des autres biens eaus mesmes charger e respoudre a nre Escheker. Dautrepart por ceo qe nous auoms entendu, qe len contrefait par de la le bon esterling^e de malueis e de faus metal por plus g^unt damage faire a nre Realme auaundit; nous auoms ensement ordene, qe touz ceaus q i esterlings porteront de la outre, en mesme le Realme, ou aillors en nre poer, deyuent bailler, e baillent mesmes ceaus esterlings as ditz gardeins des Pors ou il ariueront. E qe mesmes ceaus gardeins suz leurs seaux, e suz le seaux de ceaus q i les porteront, e par bon temoignage des bones gentz de mesmes les Pors les enuoyent tauntost as pcheins assayours, q assignez serront par no^o pur le assay faire de la monoye. E deuient mesmes les gardeins enuoyer les cors, oue les deners, sauueument e en curteise manere. E si les assaiors trossent les deners bons e leaus en poys e en argent e en tutes autres choses, solonc la vyel estaundard Dengletere, meintenaunt desarestent les cors e lour delyurent les deners qil aueront ensi portez. E si faus soyent trouez, forfes soyent, e les cors a nre volente. Derechef ordene est qe nul desormes de nre Realme ne de nre poer, ne

And as to the arrest aforesaid, we will that it be made ^{Arrest and search.} in this wise, namely, that the community of every port choose two good and lawful men of the said port, for whom the electors will answer, who with the bailiffs of the same port, shall arrest and search faithfully and without favour, all those who shall arrive within their wards, and all that they shall bring, and the bodies of those whom they shall find, who shall have brought such or other bad moneys, they shall send without delay to our chief prison of the county wherein they shall arrive. And we will and command that the keeper of the said prison receive and safely guard them, until we be informed of the manner of the fact, and have thereupon made known our pleasure. And the money and other silver, if any there be, the same wardens ought to send and deliver to our great Exchange, and to charge themselves with the other goods and to answer at our Exchequer. Moreover, whereas we have heard that the good sterlings are counterfeited beyond these parts, with base and false metal, to the very great injury of our realm aforesaid, we have also ordained that all those who shall bring sterlings from abroad into the said realm or elsewhere within our jurisdiction, ought and do hand over the said sterlings to the said wardens of the ports where they shall arrive. And that the same wardens under their seals and the seals of those who shall bring them, and by faithful testimony of good men of the said ports, shall send them at once to the nearest assayers, who shall be assigned by us to make the assay of money. And the said wardens ought to send the bodies, with the money, safely and in a courteous manner. And if the assayers find the money good and lawful in weight and in silver, and in all other things according to the old standard of England, then they shall discharge the bodies from arrest, and shall deliver to them the money which they shall have so brought. And if they be found false, they shall be forfeited and the bodies be at our will. ^{False money forfeited.}

Moreover, it is ordained that from henceforth no one of our realm or of our jurisdiction sell or part with wool, ^{Wools, tin, &c., to be sold only for good silver.}

vende ne lesse leynes, ne quyrs, ne peaus, ne plum, ne esteim fors qe pur boens e leaus esterlings, ou pur plates¹ dargent assae e merche a ñre gstunt eschaunge, ou en eschaunge de bon e de leal, e de suffisaunte marchaundise. E si nul le fait autrement e de ceo seit ateint par les ditz gardeins ou par autres de nos ministres, qe les choses ensint vendues ou lessees, nous seyent forfaites. Oncore est ordene qe nule bone monoye dargent de ñre coyn ne dautri ne nul argent en plates,¹ ne en autre manere, ne isse, ne porte ne seit hors de ñre Realme, ne hors de ñre poer en les parties de la outre saunz especial congie de nous, sor la peyne desusdite. E a ceste chose garder ensemblement oue les autres poins auauntedis ; deiuent mesmes les gardeins mettre diligence e peyne en tutes les bones maneres qil porront. E ceaus mesmes auaunt qil receiuent la garde auauntedite deiuent iurer deuaunt les vescontes ou deuaunt loer chiefs gardeins la ou il ne sont as vescontes responauns qil feront tendront e gardront leaument e saunz nule laschesse taunt com en eaus est, tot ceo qe a ceste garde apartient, solonc la fourme auauntedite. E sil facent reles ou despert a nuly pur doun ou pur fauour, ou en aucune autre manere, e de ceo seient ateins ; qil soient en forfaiture de vie e qstunt qil ount. Derechef com ordene seit, qil yeit table a Doure e aillors, ou nous ordeneroms passages cteynes por chaunger despenses necessayres as alauns e as venauns ; si auoms ia assigne Johan Bellard Johan Galleye e leurs compaignons a tenyr table a Doure de par nous de tute manere des monoyes. E voloms qil facent illoe^{qs} chaunge por despenses necessaires as alauns la outre e as venauns de dela par veue e p temoignage du countre roulur, q^o no^o ymettroms. E qe totes gentz qe vendront de la outre, portauns monoye qe curt en poer le Rey de ff^{ance}

¹ Statute Roll (Engl.) reads *plate*. The word appears to have been used for bar or sheet gold and silver. In later Statutes "plate" would seem to indicate wrought or flattened metal—a more strictly accurate use of the word—derived as it is from a common origin with *þlæríg*, our own word *flat* and the Spanish *plata*. See Cripps' *Old English Plate*, p. 30.

leather, hides, lead or tin, except for good and lawful sterlings or for silver plates, assayed and marked at our great Exchange, or in exchange for good and lawful and sufficient merchandise. And if any do otherwise and be thereof attainted by the said wardens, or by other our officers, that the things thus sold or parted with be forfeited to us.

Furthermore, it is ordained that no good money of silver Coin, silver of our coin or of any other, nor any silver in plates or ^{in plate, &c.,} not to be otherwise, issue, or be carried or be out of our realm, or out exported. of our jurisdiction into parts abroad, without special leave of us, under the penalty aforesaid. And for observance of this matter, together with the other points aforesaid, the said wardens should use diligence and pains by every proper means in their power. And these same, before they receive the said wardenship, ought to swear before the ^{Oaths of} wardens. sheriffs, or before their chief wardens in places where they are not answerable to the sheriffs, that they will do, keep and observe faithfully and without any neglect, so far as in them is, all that to this wardenship appertains, according to the form aforesaid. And if they release or spare any, for gift or favour, or in any other manner, and of this be attainted, that they incur forfeiture of life and of all they possess.

Moreover, as it is ordained that there be at Dover and Exchange elsewhere, where we shall ordain fixed places of passage, a Dover, &c. table to change what is for necessary expenses to those going and coming; We have therefore assigned John Bellard, John Galleyes and their companions, to hold a table at Dover on our behalf, of all manner of money. And we will that they give there change for necessary expenses to those going abroad, and to those coming from thence, by view and testimony of a controller, whom we shall send there. And that all persons who shall come from abroad, bringing money which is current in the jurisdiction of the King of

portent mesme la monoye a la dite table e iloeqs receiuent al auenaunt de la monoye qe curt en nre Realme. E sil seyent trouez nule part aillors oue tiele moneye qe mesme la monoye nous seit forfait e le forfet tourne a la dite table a nre oes. Por quoy nous vo' maundoms fermeamt enioynauns ke meintenaunt veuee cestes lettres tuz les articles e poins avaunt ditz facez crier e pupler en cytes bgs viles marchaundes porz e en touz autres lieus par my vre baillie p la ou vrez q seit a fere e gardeins establir e iurer a ceste nre ordenaunce tenir e garder en la furme sudsute sur les peines en meismes ceste fourme contenes. Donees a Stebenheth le quinzime Jour de May le an de n r xxvii^{me}..

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 27d.]¹

SET cōuocatis illis qui sunt de cōsilio dñi R in Hibn tam Epis qm aliis nūc degetibz in fra illa recordatū est p omes unanimi⁹ qd cōsuetudo in Hibn vsitata de bonis testatoz talis est qd vbi inf virū et vxem ples restat suscitata bona testatoris equali⁹ erūt tptita inf virū vx et plen deductis p'us debit' ronabili⁹ deducendis. Et si ples nō supest tūc bona testatoris inf virū et vxem consitr erūt equali⁹ biptita.

¹ The circumstances which led to this authoritative pronouncement of the custom of Ireland regarding the goods of a testator will be found fully set out in Sweetman's *Calendar of Documents relating to Ireland, 1298-1301*, pp. 346-8. The suit in which the question arose was that of William de Calne and Rohesia, his wife, against Reginald de Dene, and the proceedings are calendared from a *Coram Rege* Roll, Edward I. No. 162, Ro. 41.

A writ commanding the Justiciar of Ireland to distrain the defendant, together with the above statement of the custom, is all that appears in the Justiciary Roll.

France, bring the same money to the said table, and there that they receive instead money which is current in our realm. And if they be found anywhere else with such money, that the said money be forfeited to us, and the forfeit turned to the said table for our use.

Wherefore we command you, firmly enjoyning that forthwith upon sight of these letters, you cause to be proclaimed and published all the articles and points aforesaid in the cities, burghs, market-towns, ports, and in all other places throughout your bailiwick, where you shall see that it ought to be done, and establish wardens and swear them to hold and observe this our ordinance in form aforesaid under the penalties in this same form contained. Given at Stepney the fifteenth day of May in the 27th year of our reign.

28 EDWARD I. A.D. 1300.

BUT those being called together who are of the Council of the Lord the King in Ireland, as well the bishops as others now dwelling in that land, It is testified by all unanimously, that the custom used in Ireland as to the goods of testators is such, that where offspring begotten between a man and wife survive, the goods of the testator shall be divided equally into three parts, between the man, the wife, and the offspring, debts reasonably to be deducted being first deducted. And if issue do not survive, then the goods of the testator shall in like manner be equally divided into two parts between the man and the wife.

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 2*f.*]Placita de Parliamento Dubl*n* a die Pasch*n* in xv. dies anno
R. R. E. xxviii^o.Subsidiu
Scocie.

DÑS Rex mandauit bree suu in hec verba. Edwardus dei
gra Rex Angit Dns Hibn & Dux Aquit Comitibz
Baronibz militibz & celsis fidelibz suis per terram Hibn con-
stitutis saltem. Sciatis quod cum ad saluacdem Corone nonre regie
coemque regni nonri & frag nonraz vtilitatem iam ordinavimus &
eciam proponamus esse in priximo festo Natiuitatis bi Johis Bapte
apud Karliolu cum equis & armis & subsidio magnatum & procerum
nroz ad proficiscendu exinde ad rebellione Scotoz inimicoz &
rebellium nroz cum dei auxilio repremendam, ad quod negocium
commodius exequendu ver auxilio & subsidio indigemdit & fid
nroros Johem Wogan Justic nom & magis Thom de Cantok
Cancellarium Hibn, vna cum Baronibz de Scocie Dubl*n*
assignauimus ad petendu & requirendu note nro a vobs & quolt
verm, subsidium quod ad tam ardui negocii felicem cosumaconem
ac nonri & veri commodum & honorem videbitur oportunum et ad omia
alia & singula . . .¹ que profati Justic Canc & Barones seu
aliqui ex ipis quos ad hoc vacare contigit super promissis & ea
contingentibz viderint facienda. In cujus rei testimonium has tras
nras fieri fecimus patentes. T. meipo apud Blydam xvii
d[ie]^l Januar anno regni nonri vicesimo octauo. Mandauit
& consimilia breia omibz Civitatibz & Burgis per totam Hibn.
pprof que Justic sum fecit gefiale parliamentum apud Dubl*n* in
quindena Pasch*n*, videt quod Prelati & magn[ates]^l omes venirent

¹ Torn.

28 EDWARD I. A.D. 1300.

PLEAS of Parliament at Dublin in fifteen days from the day of Easter, in the 28th year of the reign of King Edward.

The lord the King sent his writ in these words: Subsidy of Scotland.

Edward by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to the earls, barons, knights and other his faithful people established through the land of Ireland, greeting. Know that whereas for the safety of our royal crown, and the common advantage of our kingdom and of our lands, we have now ordained, and also we purpose to be, on the next feast of the Nativity of S. John the Baptist, at Carlisle, with horses and arms and support of our magnates and commanders, to set out therefrom to repress with the help of God the rebellion of the Scotch enemies and our rebels; for the more successful execution of which business we need your assistance and aid. We have assigned our beloved and faithful John Wogan our justiciar, and master Thomas de Cantok our chancellor of Ireland, with the barons of the Exchequer at Dublin, to ask and request in our name from you and each of you, the subsidy which shall appear suitable to the successful issue of so serious an undertaking, and to the advantage and honor of us and you, and for all and singular other things which the aforesaid Justiciar, Chancellor and Barons or any of them (who happen to have leisure for this) may see necessary to be done in the premises, and what relates thereto. In witness whereof we have caused these our letters to be made patent. Witness myself at Blyth, the 18th day of January, in the 28th year of our reign.

He sent also like writs to all cities and burghs throughout the whole of Ireland.

On account of which, the Justiciar caused to be summoned a general Parliament at Dublin in the quinzaine of summoned to meet at Easter, viz.: that the prelates and the magnates should all Dublin.

ibi in ppis psonis &c et qd Cōitates Comitatuū per duos tres vel quatuor ad hoc p iōs electos & specialem potestatem hentes ac si oīes fuissent p̄sentes & siīr Cōitates Ciuitatum & Burgoꝝ p duos vel tres &c. Set Justiō ante pliañtū illud decreuit alloqui Maiores & p̄iores hoīes Civitatuū & Burgoꝝ occōne p̄dci subsaidii. Et p̄mo venit ap̄d Drogheda scīt in vigiō dñice in Ramis Palm, vbi porrectis tr̄is dñi R Maiori & Cōitati Burgi illius p iōm dñm R directis & hīto cū eis sup̄ hiis diligenti tractatu p̄dci Maior Bal[ti]¹ & Cōitas ex vtq pte aque ad p̄fend beniuolēciā dñi R & grām de m̄candis que emerūt p mone[tas]¹ inhibitas &c, optulerūt dno R CC & lx m̄r unde sup̄ villam ex pte vriel CC m̄r & sup̄ villam ex pte mid lx m̄r. Et exinde p̄status Justiō circuiuit Ciuitates & Burgos &c. Et Maior Balti & Cōitas Ciuitatis Dubīn concesserunt dno R ad p̄dcm subsidiū CC m̄r. Et Cōitas Burgi Comitis Norff de Ros concesserunt dno R ad p̄dcm subsidiū xl ti. Et Ciuitas R Wafford C m̄r. Et villata de Kilmydan in eodem Coīn C sot. Et villata de Athmethan in eodem Coīn C s. Et villata de Stratbaly in eodem Coīn quinq Centenas pisciū precii C s. Et villata de Dungaruan in eodem Coīn quindecī Centenas pisciū preē xv ti. Et Cōitas Ciuitatis R Lymeī xl m̄r. Et villata de Imelagh in eodem Coīn xx m̄r. Et Ciuit[as]¹ R de Cork CClx m̄r. Et villata Gilbti fil Thome de Clare del Yoghul in eodē Coīn xl ti & q̄inq Centenas pisciū precii C sot. Et villata Archiep̄i Casselt de Casselt in Coīn Typaī xx lib. Et villata Otonis de Grandisono de Clōmele

¹ Obliterated.

come there in their own persons, &c, and that the communities of the counties by two, three or four, elected for this by themselves, and having special authority as if all were present, and likewise the communities of the cities and burghs by two or three, &c.

But the Justiciar before that parliament decided to Prior to it, speak with the mayors and good men of the cities and the Justiciar had interviews burghs, on account of the aforesaid subsidy. And first he with Mayors, &c. came to Drogheda, viz.: in the vigil of Palm Sunday, where having exhibited the letters of the lord the King Drogheda. directed by the King himself to the mayor and community of that burgh, and having had diligent treaty with them upon these matters, the aforesaid mayor, bailiffs, and community on each side of the river, for the purpose of earning the goodwill of the lord the King, and favour concerning merchandise which they had bought with forbidden money, &c., presented to the lord the King 260 marks, of which upon the town at the Uriel side 200 marks, and upon the town at the Meath side 60 marks.

And from thence the said Justiciar went round the Grants cities and burghs, &c. And the mayor, bailiffs, and community of the city of Dublin granted to the lord the King towards the subsidy. of the aforesaid subsidy 200 marks. And the community of the earl of Norfolk's burgh of Ros granted to the lord the King towards the aforesaid subsidy 40*l*. And the King's city of Waterford 100 marks. And the town of Kilmeadan in same county 100*s*. And the town of Affane in same county 100*s*. And the town of Stradbally in the same county 5 hundred of fish of the value of 100*s*. And the town of Dungarvan in same county 15 hundred of fish of the value of 15*l*. And the community of the King's city of Limerick 40 marks. And the town of Emly in the same county 20 marks. And the King's city of Cork 260 marks. And Gilbert, son of Thomas de Clare's town of the Youghal, in the same county 40*l*, and 5 hundred of fish of the value of 100*s*. And the archbishop of Cashel's town of Cashel in county Tipperary 20*l*. And Oto de Grandison's town of Clonmel

xii mī. Et villata Prioris de Athissil de Athissil v mī. Et villata R del Carrick xl ā. Et villata de Artfynan in eodem Coīn pref tenētes Hospital xl ā. Et villata del Nanagh xl ā. Ei villata de Moydrifny i mī. Et villata de Thurlis xl ā. Et villata de fitherid x mī. Et villata de Moydissel in eodē Coīn xl ā. Et Burgus de Kilkenī xl ti.

Et postea ad pīdēm parliamentum vēnī Magnates & Cōitates in forma demandata & diīsis¹ de eis se excusantes a pīstanto subsidio pecierunt qd Justīc iret p pīrias & iipi liben² forent in auxiliū qd Cōitates in pīrias psonis suis concederent se prestare subsidīu & iipi magnates pref prelatos tūc cum eis contribuerent &c. Et Justīc eis consenciens pīmo iuit apud Trym in liītate Galfrī de Geyneuīt ubi Cōitas veniens, & hīto cum eis diligenti tēctatu &c concesserunt ad pīdēm subsciū CC mī. Et in crastino Cōitas Coīn Midie veniens ibidem pref Croceas &c concesserunt siīr &c CC mī. Et Cōitas Croceaz Midie pref tenentes Abbatū de Mellifonte & Dueleek & Archiepī Ardmac xx ti. Et tenētes pīdēi Archiepī in Midia de teū de Arkagh x mī. Et tenētes sui de Kilmoon x mī. Et tenētes pīdēi Abbīs de Mellefonte ex pte Midie xx ti. Et tenētes pīdēi Abbīs sēc Marie de Dueleek xl ā. Et Cōitas Coīn Loueth pref tenētes pīdēo Archiepī & Abbīs de Mellifonte concesseūt &c, iiiim² ti. Et tenētes pīdēi Archiepī in pīdēo Coīn xx ti. Et tenētes pīdēi Abbīs in eodem Coīn xx ti. Et Cōitas Coīn Dubīn pref liītates & tenētes religiōs & Croc C ti. Et tenētes Croceas Archiepīt^[us]² Dubīn cum forinsecis tenētibz de eodem feod

¹ So in MS. for diversi.

² Torn.

12 marks. And the prior of Athassel's town of Athassel 5 marks. And the King's town of Carrick 40s. And the town of Ardfinnan in same county, except the tenants of Hospital, 40s. And the town of the Nenagh 40s. And the town of Modreeny 1 mark. And the town of Thurles 40s. And the town of Fethard 10 marks. And the town of Modeshil in same county 40s. And the burgh of Kilkenny 40l.

And afterwards came to the aforesaid Parliament the Parliament magnates and communities in the manner commanded. And ^{meets.} divers of them excusing themselves from giving a subsidy asked that the Justiciar should go through the countries, ^{Justiciar} and they would willingly assist, that the communities in ^{requested to} their own persons should grant that they would give the subsidy, ^{make a tour} and the said magnates (except the prelates) would then ^{in support of} contribute with them, &c. And the Justiciar consenting to them, went first to Trim in the liberty of Geoffrey de Geynevill, where the community coming and diligent treaty ^{First visits} from Meath. having been had with them, &c., they granted towards the aforesaid subsidy 200 marks. And on the morrow, the community of the county of Meath (except the Crosses) coming there, &c., granted likewise, &c., 200 marks. And the community of the Crosses of Meath (except the tenants of the abbots of Mellifont and Duleek and of the archbishop of Armagh) 20l. And the tenants of the aforesaid archbishop in Meath, of the tenement of Arkagh, 10 marks. And his tenants of Kilmoon 10 marks. And the tenants of the aforesaid abbot of Mellifont on the side of Meath 20l. And the tenants of the aforesaid abbot of S. Mary of Duleek 40s. And the community of the county Louth (except the tenants of the aforesaid archbishop and abbot of Mellifont) granted, &c., 80l. And the tenants of the aforesaid archbishop in the aforesaid county 20l. And the tenants of the aforesaid abbot in same county 20l.

And the community of the county Dublin (except liber- ^{Grants from} ties and tenants of religious houses and Crosses) 100l. ^{Dublin.} And the tenants of the Cross of the archbishopric of Dublin,

pref^o villam scⁱ Sepulchri Dubⁱn C m^r. Et tenentes Prioris scⁱ Johis extra Novam portam Dubⁱn xl sⁱ. Et tenetes Prioris sc^ee Trinitatis Dubⁱn C sⁱ. Et tenetes Abb^{is} sc^ee Marie Dubⁱn xl sⁱ. Et tenetes Abbatisse del Hogges Dubⁱn ii m^r. Et tenentes Croce^e fferneⁿ xii m^r. Et tenetes Croce^e Leghlineⁿ vi m^r. Et tenetes Croce^e Ossorⁱ xx m^r. Et C^oitas libertatis Wey^s iiiⁱⁱ m^r. Et tenentes de Offelmeth in libtate Kather^t pref^o Abb^{is} . . .¹ ti. Et tenentes Johis de Hastynges de Oboy in eadem libtate iiiii m^r. Et tenentes de Obargy in eadem libtate cum villata de Kather^t x m^r. Et tenentes de ffotherid in eadem libtate xx m^r. Et tenetes de Odroon in eadem libtate xx m^r. Et tenentes libtatis Kilkenⁿ C ti. Et C^oitas Co^m Kildafⁱ C m^r. Et C^oitas Co^m Waf^{ord} pref^o pd^{as} villatas C ti. Et C^oitas Co^m Cork pref^o villas f^{ic}atorias CC ti. Et C^oitas Co^m Lymerⁱ pref^o villas f^{ic}atorⁱ CC m^r. Et C^oitas Co^m Typa^r p^o villas mercato^r CC ti. Et villata de Athdare in Co^m Lymerⁱ v m^r. Et villata de Rathgel in eodem Co^m xl sⁱ. Et villata de Inskefty xl sⁱ. Et villata de Ardag^h in eodem Co^m xl sⁱ. Et villata de Cromoth in eodem Co^m v m^r. Et villata de Kilme . . .¹. Et villata de Dermochⁱ in eod^e Co^m i m^r. Et villata de Natherla . . .¹ Et villata de Any xl sⁱ. Et villata de Grens xx sⁱ. Et villata

with outside tenants of that fief (except the vill of S. Sepulchre, Dublin) 100 marks. And the tenants of the prior of S. John outside the New Gate Dublin, 40s. And the tenants of the prior of the Holy Trinity, Dublin, 100s. And the tenants of the abbot of S. Mary, Dublin, 40s. And the tenants of the abbess of the Hogges, Dublin, 2 marks.

And the tenants of the Cross of Ferns 12 marks. And the tenants of the Cross of Leighlin 6 marks. And the tenants of the Cross of Ossory 20 marks. And the community of the Liberty of Wexford 80 marks. And the tenants of Ui Felme in the liberty of Carlow (except the abbeys) [10*l.*]¹ And the tenants of John de Hastynge, of Oboy in same liberty, 4 marks. And the tenants of Ui Bairche in same liberty, with the town of Carlow 10 marks. And the tenants of Forth in same liberty 20 marks. And the tenants of Idrone in same liberty 20 marks. And the tenants of the liberty of Kilkenny 100*l.* And the community of the county Kildare 100 marks. And the community of the county Waterford (except the aforesaid towns) 100*l.* And the community of the County Cork (except the market towns) 200*l.* And the community of the county Limerick (except the market towns) 200 marks. And the community of the county Tipperary (except the market towns) 200*l.* And the town of Adare, in county Limerick, 5 marks. And the town of Rathkeale in same county 40s. And the town of Askeaton 40s. And the town of Ardagh in the same county 40s. And the town of Croom in the same county 5 marks. And the town of Kilmallock [in same county, 20*l.*]¹ And the town of Dermochi (Darragh) in same county 1 mark. And the town of Aherlow [2 marks]¹ And the town of Aney 40s. And the town of

¹ Supplied from Pipe Roll, 31 Ed. I., No. 32, which contains accounts of the collection of this subsidy.

de . . . ¹. Et sciend qd tenetes de Croceis Momonie concedunt qd ipi dabunt de suo quantum acced . . . ¹ sua de libalitate sua & nō occone alicui^r ten incroceati ; & sub tali forma qd non ven . . . ¹ cōsuetudinem alias &c, & eis conceditur.

m. 3 f.

Placita de Parlamento apud Dublin coram Joh^e Wogan Capi^t Justic^c &c. & aliis de consilio &c, a die Pasch in xv dies anno R^e E^r xxviii^o.

m. 3d.

Concordatū est eciam qd nulla moneta portet^r ex^a h^{nc} fram sine spali War &c et qd nullus applicet in h^{nc} fram alibi q^m in rectis portub^r &c sub g^{ui} foris^r cura &c.

Concordatū est qd moneta pollardo^r & alia^r moneta^r consimil^m arestata^r in manus mercato^r vbi^{cūq} in hac terra, relibentur mercatorib^r ducend^r ad cambiū Reg^e in Angl ut in h^{nc} terrā. Et qd inde fiant bria quibuscūq^m potentib^r.

Grean 20s. And the town of [Karkinlish (Cahirconlish) 40s].¹ And be it known that the tenants of the Crosses of Munster grant that they will give of their own as much of their liberality and not by occasion of any holding in cross lands, and under such form that [it shall not come to be a] custom at some other time, &c., and it is granted to them.

Pleas of Parliament at Dublin before John Wogan, Chief Justiciar, &c., and others of the Council, &c., in fifteen days from Easter day in the 28th year of the reign of King Edward.

It is agreed also that no money be carried out of this land without special warrant, &c., and that no one land in this land elsewhere than in regular ports, &c., under heavy forfeiture, &c.

It is agreed that money of pollards and other like moneys Pollard seized in the hands of merchants wheresoever in this land, be re-delivered to the merchants, to bring to the King's Exchange in England or in this land; and that writs be made therefor to any demanding.

¹Supplied from Pipe Roll, 31 Ed. I., No. 32, which accounts for this subsidy.

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 13*f.*]

Cōmunia p̄tita apud le Naas coram Cap̄ Justiā H̄ib̄n de mense
Pasch̄ anno R R E. xxviii^o. Wogan.

D̄ NS Rex mandavit hic b̄re suum in hec verba. Edwardus
dei grā Rex Angl̄ D̄ns H̄ib̄n & Dux Aquiū d̄itio & fid̄
suo Joh̄i Wogan, Justiā suo H̄ib̄n saltm. Cum nup in parlia-
mento n̄ro apud Stybenhethē inf̄ cēfas ordinaçoes ibidem factas
duximus ordinand̄ q̄d n̄lla bona moneta argenti de n̄ro v̄t
alp̄ius Cuneo vel argentum aliquod in massa v̄t alio quoquis
modo regnū n̄rm exiret vel extra idem regnū vel potestatem
n̄ram ad ptes t̄nsmař deferretur sine licencia n̄ra sp̄ali sub
foriscura vite & bonoꝝ et oīm alioꝝ que forisfieri nob̄ possent
et iam p̄ cōi vtilitate regni n̄ri monetam Pollardoꝝ Crocardoꝝ &
quascumq; alias similes monetas de consilio p̄sum n̄roꝝ oīo
repbaſimus ac eciam ordinaſimus q̄d nulla moneta alia q̄m
sterlingoꝝ de cuneo n̄ro currat de ceſo in d̄co Regno n̄r̄ vsuat̄ &
heatur, p̄ quod volu[m?]̄ q̄d ordinaçō pređca firmius & inuiola-
bilius obseruetur, vođ mandam' firmiļ iniungentes q̄d n̄llam
monetam argenteam v̄t aliq̄m aliam monetam albam de n̄ro v̄t
alp̄ius Cuneo v̄t vasa aliqua argentea s[eu]̄ argenti aliquod in
massa v̄t alio quoquis modo a Fra n̄ra H̄ib̄n ad ptes t̄nsmař
deferrī p̄mittatis sine licencia n̄ra sp̄ali sub pena supius
annotata. Et istud mandatū n̄rm sicut cōmodū regni n̄ri diligitis
p̄ totam n̄ram p̄cam de q̄ndecim diebus in q̄ndecim dies
publice p̄clamari & obseruari firmiļ faciatis p̄ custodes ad hoc
alias deputatos v̄t de novo si n̄cē fūit deputandos. T. meiþo
ap[ud] S̄cm Albanū xi^o die April anno ī n̄ vicesimo octauo.

Et hoc idem mandatum est oīibꝝ vič & Señ lib̄tatum in
H̄ib̄n &c.

28 EDWARD I. A.D. 1300.

COMMON Pleas at the Naas before the Chief Justiciar of Ireland, of the month of Easter in the 28th year of the reign of King Edward.

Wogan.

The lord the King sent his writ here in these words:—Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland, greeting. Whereas lately in our parliament at Stepney, amongst other ordinances there made, we thought fit to ordain that no good money of silver, of our or other's coinage, or any silver in bulk or in any other way, should leave our kingdom or be carried out of our said kingdom or jurisdiction to parts over the sea, without our special licence, under forfeiture of life and goods and all other things which can be forfeited to us. And now for the common benefit of our kingdom, with the advice of our nobles, we have altogether condemned the money of Pollards, Cro-cards and other like moneys whatsoever, and also have ordained that no money other than of sterlings of our coinage be current from henceforth in the said kingdom; nor even be held proper for use. Inasmuch as we will that the said ordinance be more strictly and inviolably kept, we command, strictly enjoining you, that you allow no silver money or any other white money of our or other's coinage, or any silver vessels or any silver in bulk or in any other way, to be carried from our land of Ireland to parts over the sea, without our special licence under the penalty above specified. And, that this our mandate, as you cherish the profit of our kingdom, you cause to be publicly proclaimed throughout the whole of our said land fortnightly, and to be strictly kept by wardens, for this purpose on another occasion appointed, or if need be to be appointed afresh. Witnesse myself at St. Albans the 11th day of April, in the 28th year of our reign.

And this same is commanded to all sheriffs and seneschals of liberties in Ireland.

No silver or
other white
money, silver
in plate or
bulk to be
carried out of
Ireland.

35 EDWARD I. A.D. 1307.

[JUSTICIARY ROLL, 35 EDWARD I. m. 16f.]

Angl. Statuta
de Religiosis.¹

DOMINVS Rex mandauit b̄re suū hic &c in hec verba. Edwardus
dei grā Rex Angl dñs Hibn & dux Aquit dico & fidelis
suo Johi Wogan Justic suo Hibn vel eius locum tenenti saltem
cum ad cōem populi regni nri vtilitatem & tocius dnii nri stat
melioracionem in parliauento nro apud Karliolu quedam edi
derimus statuta in Angl Hibn Wallia & Scocia futuris tempibz
obseruanda queq; vobis mittim⁹ sub sigillo nro signata in
Pra nra Hibn publicanda & sub penis in eisdem statutis
contentis obseruari facienda vobis mandamus qd statuta illa
in singlis Comitatibz Pre nre predce legi publicari & obseruari &
transcripta eodem sub sigillo quo vtimur in Hibn singlis
Abbatibz Prioribz Custodibz domoꝝ religiosꝝ Cluniacen Cister
cieen & Premonstrateen & sc̄oꝝ Augustini & Benedici ordinū in
plenis capitulis domoꝝ suaꝝ bis in anno legenda & sub penis
supradicis obseruanda transmitti faciat. T. in eis apud Karli
iii^o die April anno r n t̄cesimo quinto. Et simiſr prefatus
dñs Rex misit hic &c. pdcm statutum sub sigillo suo Angl in
hec verba.²

¹ In the old printed copies this statute is entitled, "Statutum de Asportatis Religiosorum."

² The Latin text of the statute follows in the roll.

35 EDWARD I. A.D. 1307.

STATUTE AS TO RELIGIOUS PERSONS.

THE lord the King sent his writ here, &c., in these words:—Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland or his deputy, greeting. Whereas for the common utility of the people of our realm and the improvement of the state of our entire dominion, in our Parliament at Carlisle, we published certain statutes to be observed in future in England, Ireland, Wales, and Scotland, and which we transmit to you, sealed under our seal, to be published in our land of Ireland, and under the penalties of the said statutes contained, to cause to be observed; we command you that the said statutes in every county of our aforesaid land, you cause to be read, published, and observed, and transcripts of the same under the seal which we use in Ireland, to all abbots, priors, wardens of religious houses of the Cluniac, Cistercian and Premonstratensian Orders, and of those of Saints Augustine and Benedict, in full chapters of their Houses twice in the year to be read, and under the aforesaid penalties to be observed, you cause to be transmitted. Witness myself at Carlisle the 4th day of April in the thirty-fifth year of our reign.

And likewise the aforesaid lord the King sent here, &c., the aforesaid statute under his seal of England in these words:—

[STATUTE AS TO RELIGIOUS PERSONS]. (1)

Lately it came under the notice of the lord the King by the grievous complaint of the magnates, chief men, and other nobles of his realm, that, whereas Monasteries, Priors, and Religious Houses were founded to the praise and honour of God, and the advancement of Holy Church,

(1) The text taken from *Statute Roll (Engl.)* m. 33, is printed in *Statutes of the Realm*, I. p. 160.

by the King and his progenitors and by the said magnates and nobles and their ancestors, and very many lands and tenements were given by them to the said Monasteries, Priories, and Houses and to the Religious serving God therein, so that as well clergy as laymen should be admitted according to their sufficient ability, and that the sick and weak might find sustenance, hospitality, gifts of alms, and other pious deeds might be exercised, and for the souls of the aforesaid founders and their heirs prayers might be made in them. The Abbots, Priors, and Wardens of the said houses and certain aliens, their superiors, as the Abbots and Priors of the Cluniac, Cistercian, Premonstratensian orders and of those of Saints Augustine and Benedict, and many others of other religion and order have lately upon several monasteries and houses subject to them in England, Ireland, Scotland, and Wales, fixed divers unaccustomed heavy and insupportable tallages, payments, and impositions, and of their own pleasure have ordained the same, without consulting our lord the King and his great men, contrary to the laws and customs of the said realm, whereby it has come to pass that the number of Religious persons and other servitors in such Houses and Religious places oppressed by such tallages, payments, and impositions, is diminished, the worship of God and alms to the poor, the sick, and weak are withdrawn, the health of the living and the souls of the dead are miserably defrauded; hospitality, almsgiving, and other works of charity cease, and so, what had formerly been charitably dedicated to pious uses and to the advancement of the service of God, is now changed into an evil tax. Wherefore, besides those things which are mentioned before, no small scandal grows among the people, and innumerable losses in the disheriting of the said founders and their heirs are known without doubt to have happened, and moreover, it may be presumed are likely to happen again, unless for such and so grievous injuries there be provided a speedy and safe remedy; therefore, the said lord the King, considering that it would be very injurious to him and to his people if he should any longer suffer such great losses and insolencies to go on under a cloak; and therefore, being willing to maintain and defend the monasteries, priories, and other religious houses and places founded in the realm and lands subject to his sway, according to the will and pious intentions of the said founders, and from henceforth to provide fitting remedy against such oppressions, as he is bound; by the advice of the Earls, Barons, magnates, great men, and other nobles, and the commons of his kingdom in his parliament at Westminster on Sunday next after the Feast of St. Matthias the Apostle, in the thirty-third year of his reign, ordained and enacted, that no Abbot, Prior, Master, Warden, or any other Religious person of whatsoever condition, state, or religion he be, being under his power and jurisdiction, any tax imposed by their superiors, the Abbots, Priors, Masters, Wardens of Religious Houses or places, or in any way assessed among themselves, out of his kingdom and dominion under the name of rent, tallage, tribute, or any kind of imposition, or otherwise by way of exchange, sale, mutual or other contract or by whatever other name it may be termed, by themselves or by merchants or others, secretly or openly, by any art or device, shall carry or transmit or cause to be carried or transmitted in any way; nor shall any of them depart to places outside by reason of visitation or under any other invented pretence, that so they may bring the goods of their Monasteries and Houses outside the aforesaid kingdom and dominion; and if any presume to contravene this present Statute, let him be heavily punished, the nature of his offence being considered and the contempt shown the King's prohibition weighed.

Religious
persons shall
send no tax,
&c., beyond
sea.

Moreover, the said lord the King forbids all and singular Abbots, Priors, Masters, Wardens of Religious Houses and places, being aliens, to whose power, subjection, and obedience the Houses of the said orders in his kingdom and dominion are subject, from henceforth imposing or in any way assessing tallages, taxes, impositions, tributes, or any other burdens on any Monasteries, Priories, or other Religious Houses, so subject to them as aforesaid; and this on forfeiture of everything they may have in their own power and that they can forfeit in future.

And moreover, the lord the King ordained and established that Abbots of the Cistercian and Premonstratensian orders and other Religious orders, whose seal hitherto has been wont to remain in custody of the Abbot and not of the Convent, shall have a common Seal from henceforth, and they shall deposit it in the custody of the Prior of the Monastery or House, and four of the most worthy and discreet of the Convent of that place, to be kept safe under the private seal of the Abbot of the same place; so that the Abbot or Superior who is over the house can by no means of himself make binding any contract or obligation, as heretofore he has been wont to do. And should it happen that any writings obligatory of donations, purchases, sales, alienations, or other contracts whatsoever, should be found sealed with any other seal than with such common seal kept as aforesaid, they shall be held altogether void and as of no force. But it is not the King's intention to exclude Abbots, Priors, and other Religious persons, being aliens, by the Statutes and ordinances above expressed, from exercising the office of visitation in his kingdom and dominion, but they may visit freely, by themselves or others, the monasteries and other places subject to them in his aforesaid kingdom and dominion, according to the duty of their office, in those things only which appertain to the regular observance and discipline of their order; Provided, that they who exercise this office of visitation bring or procure to be carried outside the said kingdom and dominion, none of the goods or things of such Monasteries, Priories, and Houses, except only their reasonable and moderate expenses.

And although the pronouncing and publication of the before written ordinances and statutes, for certain reasons, and that they might proceed with the greater deliberation and completeness, remained suspended from the last parliament to the present parliament at Carlisle, in the Octaves of Saint Hilary in the thirty-fifth year of the reign of the said lord King Edward, the lord the King, after full deliberation and debate had with the Earls, Barons, great men, and other nobles and the commonalty of his realm, touching the premises, with their unanimous agreement and consent, ordained and enacted that the aforesaid ordinances and statutes under the form, manner, and conditions above contained, from the 1st day of May next ensuing, shall be steadfastly observed to be of force in future times, and that offenders against them shall henceforth be subject to the penalties above prescribed.

Impostions
shall not be
assessed by
priors aliens.

The common
seals of Abbeys.

Abbots aliens
may visit their
houses in
England.

1 EDWARD II. A.D. 1308.

[PLEA ROLL, 1 AND 2 EDWARD II. m. 76 f.]

A DHUC de cōibz plitis apd Dubl̄n coram Joh̄e Wogan
Justiō Hibn̄ a die sc̄i Joh̄is Bapt̄e in xv dies anno regni
R. Edwardi fit R. E. sc̄do.

Angl.

Dñs Rex misit hic quoddam b̄e suū in hec verba:
Edwardus dei gr̄a Rex Angl̄ Dñs hibn̄ & Dux Aquit̄ dil̄o & fid̄
suo Joh̄i Wogan Justiō suo Hibn̄ sal̄m; Quia pacem n̄ram p̄
totam n̄ram Hibn̄ firmiō & inuiolabiliter obseruandam
opam instantē cepim̄ adimplere & eo affectuosius quod ad hoc
vincō astringim̄ iuramenti & ad maliciam malef̄toz & pacis
n̄re pturbatoz rep̄mend̄ expediens fore & vtile reputam̄ qđ
statutū nup apud Wyntoñ editum in oīibz & singl̄is suis artīclis
ac eciam quidam artīcli quos nup de consilio n̄ro p̄ conseruacōe
pacis n̄re in Angl̄ & de moneta n̄ra nō mutanda nec cambienda
set p̄ tanto valore p̄ quanto currere consueuit currenda
ordinamus observandos & quos vobis mittam̄ p̄sentibz inf̄clusos
p̄ totam n̄ram Hibn̄ firmiō obseruent̄; vobis mandam̄
firmiō iniungentes qđ statutū illud & artīclos p̄d̄cos in Ciuitābus
Burgis villis fūcatoris & locis aliis tam infra Libtates q̄m ext̄
ubi videritis expedire legi & publice p̄clamari obseruari faē
firmiō & teneri, et in quolibet Com̄ assignetis p̄ b̄ria n̄ra
sub sigillo n̄ro quo vtim̄ in Hibn̄ duos de p̄bioribz legalioribz &
discrecioribz Militibz eiusdm̄ Comitatus put opus fuit vna cū
vič Comitat̄ illius ad p̄d̄ca statutum & artīclos obseruanda &

I EDWARD II. A.D. 1308.

STILL of common pleas at Dublin before John Wogan, Justiciar of Ireland, in fifteen days from the day of St. John the Baptist, in the second year of the reign of King Edward, son of King Edward.

The lord the king sent here a certain writ of his in England. these words: Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland, greeting. Inasmuch as we have taken instant pains to accomplish the strict and inviolate keeping of our peace throughout our whole land of Ireland, and with the more care because we are hereto bound by the bond of an oath, and [inasmuch as] for the repression of the wickedness of evildoers and disturbers of our peace, we think it will be expedient and useful that the statute lately published at Winchester, in all and singular its articles, and also Statute of certain articles which with our council we lately ordained Winchester, to be observed for the preservation of our peace in England, and certain and for not altering or exchanging our money, but for it articles as to to be current, for such value as it was accustomed to be money, to be observed in Ireland. current, and which we send to you enclosed in these presents, should be strictly kept throughout our whole land of Ireland, we command and strictly enjoin you that you cause that statute and the articles aforesaid to be read and publicly proclaimed in cities, burghs, market towns and other places, as well within liberties as without, where you shall deem it expedient, to be strictly kept and observed; and [that] in each county you appoint by our writs under our seal which we use in Ireland, two of the most approved, lawful and discreet knights of the said county, as need shall be, together with the sheriff of that county, to keep and guard the said Two knights and sheriff in each statute and articles, and to do and fully perform all that county to see

custodienda & omnia que ad ea pertinet facienda & pleni' exequenda. Ita quod fideles nři & totus populus p[ro]ciū illa[rum] sub nřo regimine & domino¹ quiecius & tranquillius vivere valeant ut optant'. T[er]tio. meipso apud Langeleye vi die Junii anno f[est]i n[on] p[ro]mo.

Item misit quoddam aliud bre[ve] hic in hec verba. Edwardus dei gr[ati]a Rex Ang[lie] D[omi]n[u]s Hibernie & Dux Aquitani[us] dicto & fid[ucia] suo Joh[annes] Wogan Justic[ia] suo Hibernie saltem. Intelleximus' a nonnullis quod q[uo]d ampleres inimici nři & alii malefactores & pacis nře perturbatores homicidia incendia def[er]maciones & alia dampna gravissima nocte dieq[ue] in Hibernia multipliciter perpetrantes de Com[une] in Com[une] vagant[ur] & discurrunt ob defectu[rum] & negligencia[rum] plurimorum qui a partibus quibus morantur vsq[ue] ad partes vicinas in quibus huiusmodi mala perpetrantur ad defensiones & saluac[on]es p[ro]ciū easdem in subsidiis vicinorum suorum ibidem habitanciū se diffundere recusarunt hactenus & recusant. Et quia ad pacem nřam in terra p[ro]dicia inuiolabilit[er] observandū quā cordi affectamus necnō ad maliciam & hostiles agressus huiusmodi inimicorum & malefactorum viriliter reprehendens expediens esse intendimus' p[ro]cul dubio² & necesse quod omnes & singuli de quibuscumque Com[une] ad pacem & fidem nřam existentes vnanimes sint & concordes [inter] se ipsos mutuo iuuantes ad resistenciam contra inimicos & malefactores illos in quoctu[m] Com[une] vel priora ipsos huiusmodi inchoatus fratre contigit potenter & viriliter faciendā; vobis mandamus' quod de consilio nostro p[ro]ciū illa[rum] ordinetis & in singulis villis quibus expediti[us] ens videritis publice p[ro]clamari faciatis quod omnes & singuli de Com[une] illo quā huiusmodi inimici & malefactores aggressi fidei[us] ad maliciam illos per conservacionem pacis nře & defensione

¹ So in MS. for dominio.

² Torn.

appertains to them ; so that our faithful subjects and the whole ^{said statute} _{and articles} people of those parts may be able to live more quietly and ^{carried out.} peaceably under our rule and government, as we wish.

Witness myself at Langley, the 6th day of June, in the first year of our reign.

Likewise he sent a certain other writ here in these words : Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitane, to his beloved and faithful John Wogan, his Justiciar of Ireland, greeting. We have been informed by some that very many of our enemies and other evildoers and disturbers of our peace, frequently committing homicides, burnings, robberies and other very serious injuries, by night and day in Ireland, wander from county to county, and run to and fro, by reason of the default and negligence of most men, who have hitherto refused and do refuse to turn aside from the parts in which they live to the neighbouring parts in which such evils are committed, for the defence and safety of the said parts, to aid their neighbours who dwell there. And inasmuch as for the inviolable keeping of our peace in the said land, which we heartily desire, and also for the stern repression of the wickedness and warlike attacks of such enemies and evildoers, we deem it, without doubt, to be expedient and necessary that all and singular of whatsoever county, being of our peace and fealty, be of one mind and at unity among themselves, mutually aiding to make powerful and strenuous resistance against those enemies and evildoers, in whatsoever county or territory it may happen that they make such incursions ; we command you that with our council of those parts, you ordain and in every town where you shall deem it expedient, you cause to be publicly proclaimed, that all and singular of that county which such enemies and evildoers have attacked, in order to withstand their wickedness, for the preservation of our peace and the defence of the said parts

pciu p̄dca repellendam q̄ciens opus fuit & eis inde p vt[exiā] & clamore v̄l alio modo cōst̄it̄t cū toto posse suo se d̄f̄re nō postponant ad d̄cos inimicos & malef̄c̄ores ta[m inf̄]! Lib̄tates q̄m ext̄ insequendos & eo potencius quo fieri pof̄it repellendos. Et si quos rebelles negligentes i[nueneritis]! in hac pte v̄l remissos eos tamq̄ pacis n̄re violatores & mandatoꝝ n̄roꝝ cōtemptores talis puniri faciat̄s [ut]! punicio illa timorem aliis p̄beat similia comittendi. T̄meiꝝ aꝝd Langele v̄to die Juñ anno ſi n̄ p[mo]!.

Statutū
Wyntōn.

Et sup̄ hoc misit dñs Rex Justiç hic &c T̄nsc̄ptū statuti Wyntōn custodiend̄ & observand̄ in hac tra in h . . . ¹ ſimil cū voluntate dñi R de tenore p̄mi b̄ris hic—Dñs Rex de consilio suo aꝝd Westm xvii^o die Marcii [anno]¹ regni sui p̄mo ordinauit q̄d statutū aꝝd Wyntōn editū in ūibz & singlis suis artiçlis p totam ūram Hibn firmiꝝ obseruet^r [et q̄!]! statutū illud in singlis Ciuitatibz Pre p̄dce necnō in Ciuitatibz Burgis hundr villis ficatoriis & locis aliis ibidem [tam] infra Lib̄tates q̄m ext̄ & vbi magis videbit^r expedire publice recitet^r custodiat^r & in singlis suis artiçlis ut p̄dcm est [firmiꝝ] obseruet^r. Et si qui in Fra p̄dca jux^a form^a statuti attachiabiles inueniri cōtigit attachient^r & saluo custodiant^r don^r d̄c[s]¹ dñs R aliud inde p̄cepit. Et si forte diffugint tunc p̄ poſſe singloꝝ Comitatuū eiusdem Pre si necesse fuit assumptū cū omni diligencia pseq^{nt} de Hundr in Hundrm de Coñ in Coñ tam inf̄ Lib̄tates q̄m ext̄ jux^a form^a statuti p̄dci quousq; arrestent^r & arrestati saluo custodiant^r in forma p̄dca. Vult & d̄cs dñs R q̄d ex pte

¹ Torn.

as often as need shall be, and they be assured thereof by hue and cry, or in any other manner, delay not to turn aside with all their power to pursue the said enemies and evildoers, as well within liberties as without, and to withstand them as strongly as can be done. And if you shall find any disobedient or negligent in this behalf, or remiss, you cause them to be punished as breakers of our peace and despisers of our commands, in such manner that that punishment may inspire others with fear of committing similar acts. Witness myself at Langley, the 5th day of June, in the first year of our reign.

And hereupon the lord the king sent to the Justiciar here, &c., a transcript of the statute of Winchester, to be kept and observed in this land . . . together with the will of the lord the king concerning the tenor of the first writ here.

The lord the king, by his council at Westminster, on the 17th day of March, in the first year of his reign, ordained that the statute published at Winchester be strictly kept in all and singular its articles throughout the whole land of Ireland, and that that statute in every city of the said land, and also in the cities, burghs, hundreds, market towns and other places there, as well within liberties as without, and where it shall be deemed most expedient, be publicly read, kept, and in every of its articles as is aforesaid, strictly observed. And if it happen that any persons are found in the said land to be attachable according to the form of the statute, that they be attached and kept safely, until the said lord the king have given other order thereupon. And if perchance they flee, then in proportion to the power of every county of the said land, if it be thought necessary, that they with all diligence pursue them from hundred to hundred, from county to county, as well within liberties as without, according to the form of the aforesaid statute, until they be arrested, and being arrested, they be kept safely in form aforesaid. The said lord the king also wills that,

sua p̄cipiat^r firmi^l & injūge^[t^r] őib^r Baðis & Constabulari in
villis & hundr^r p̄ conservaçōe pacis sue in þd̄cis Comitatib^r
deputatis tam infra Libtates q^m ext^a qd iþi eandem diligenciā
& pacis iþius R̄ cōseruaçōe apponant & talr se h̄eant in hac
pte ne penam in dō statuto cōtentam incurvant & nichomin'
inþsonent^r & g^uil^r ad voluntatē dñi R̄ redimant^r ab eadem.
Et si qui in Comitatib^r pred̄cis sup̄ p̄missis exequendis cōtrarii
inuenti s̄hant aut rebelles, tūc iþi p̄ eoȝ corpa arrestent^r & saluo
custod[ient^r]^l don^r idem dñs R̄ aliud inde mandabit. Vult
eciam þd̄cs dñs R̄ & p̄cipit firmi^l qd in singlis locis Comitataū
þd̄coȝ publice distincte & apte det^r s[ciri]^l őib^r & singlis ex pte
sua qd iþe monetam suam tanti ponderis tantiq; valoris in őib^r
existere q^mnti moneta dñi E. p̄ris sui fuit & in eadem moneta
nōis sui sup̄sc̄p̄sionem veraci^r esse attendēs nō vult monetam
illam mutare seu cambire nec vult qd moneta illa nec moneta
de cuneo p̄re sue Scocie quā currere & recipi vult sicut tempe
dci p̄ris sui currere & recipi cōsueuit, licet nōis sui sup̄sc̄p̄o nō
sit in eadē vilipendant^r seu refutent^r; nec etiam qd aliqua
bona victualia seu flicandise quecūq; vlt^r verū valorē eoȝdem
oc̄cone monetaȝ illaȝ car[ius]^l q^m tempe eiusdem p̄ris sui
vendi cōsueuant vendant^r deceþo v̄l emant^r maxime cū monete
ille tantū valeant hiis dieb^r q^mntū monete dci p̄ris sui valfūt.
Et vt hec ordinaçō sua de moneta & de reb^r venalib^r in singlis
Ciuitatib^r Burgis villis flicatoriis in Corñ þd̄cis firmiter &
inuiolabi^r obseruet^r ad eligend^r & assignand^r nōie suo de qualit
Ciuitate duos Ciues & de quoþ B[urgo]^l duos Burgenses, necnō

on his behalf, it be strictly commanded and enjoined to all bailiffs and constables in towns and hundreds, appointed for the preservation of his peace in the said counties, as well within liberties as without, that they bestow the same diligence for the preservation of the peace of the said king, and so behave in this behalf that they may not incur the punishment contained in the said statute, and nevertheless that they be imprisoned and heavily ransomed therefrom at the will of the lord the king. And if any be found in the counties aforesaid, hindering the execution of the premises, or disobedient, then that they be arrested by their bodies and kept safely till the said lord the king give other command thereupon. The aforesaid lord the king also wills and strictly commands, that in every place of the counties aforesaid it be publicly, plainly and openly made known to all and singular, on his behalf, that he, noticing that his money is of such weight and such value, in all points, as the money of the lord Edward his father, and that upon the said money there is truthfully the superscription of his name, wills that the said money be not altered or exchanged, and that neither that money nor money of the die of his land of Scotland, which he wills to be current, and to be received as it was wont to be current and to be received in the time of his said father, although the superscription of his name be not thereon, be depreciated or refused; nor further that any goods, victuals or merchandise whatsoever henceforth be sold or bought beyond their true value, by reason of those moneys, at a dearer price than they were wont to be sold in the time of his said father, particularly since those moneys are worth as much in these days as the moneys of his said father were worth. And in order that this his ordinance concerning money and things for sale may be strictly and inviolably kept in every city, burgh and market town in the said counties, [the king wills] to choose and appoint in his name two citizens from each city, and two burgesses from

The king's
money not to
be altered or
exchanged.

de qualit villa fectoria duos pbos & leg hoies de Comi pdcis qui p[ro]stato sa[cro]¹ coram vič & illis Militi qui ad p[ro]missos cōseruacōm assignent p[ro]missa ōia & singla in Ciuit Burg & villis pdcis districte & firmi faciant obseruari. Idem d[omi]n[u]s R[eg]e vult qd p[ro] b[ea]re suū sub sigillo suo quo vt[er] in Hibn vič & Militib[us] pdcis in singlis Comitatib[us] ibidem cōmissio sua fiat in hac pte. [Vult]¹ insup p[ro]fatus d[omi]n[u]s R[eg]e qd si qui pdce ordinacōi sue cont[ra]rii aut rebelles monetam suam pdcam vilipendentes aut etiam foristallarii aliqui qui emint vt arrant bona alioꝝ vt sic postmodū p[ro] m[anus]² suas pp[ro]as carius ea vendant ad tocius populi sui det[er]mentū inpeniri contigit, p[ro] eoꝝ corpora atta[client]³ & saluo custodiant[ur] don[ation]e d[omi]n[u]s R[eg]e aliud inde p[ro]cepit.

¹ Illegible.

each burgh, and two approved and lawful men from each Persons to be appointed for market town of the counties aforesaid, who taking an ~~carrying out~~ ^{the above.} oath before the sheriffs and those knights, who shall be appointed for the maintenance of the premises, shall cause all and singular the premises to be strictly and steadfastly kept in the cities, burghs and towns aforesaid. The said lord the king wills that by his writ under his seal which he uses in Ireland, his commission may be made to the sheriffs and knights aforesaid, in every county there, in this behalf. Further the said lord the king wills, that if any happen to be found opposing his said ordinance, or disobedient, by depreciating his said money, or further any forestallers who shall buy or give earnest for the goods of others, that so afterwards they may by their own hands sell them at a dearer price, to the injury of all his people, that they be attached by their bodies, and kept safely until the said lord the king give other order thereon.

1 EDWARD II. A.D. 1308.

THE STATUTE OF WINCHESTER.¹

[Enacted in England, 13 EDWARD I, A.D. 1285.]

Fresh suit shall
be made after
felons from
town to town.

I. Forasmuch as from day to day, robberies, homicides, and burnings are more frequently committed than heretofore they were wont to be, and felons cannot be attainted by the oath of jurors, who had rather suffer felonies committed against strangers to pass without penalty than indite the offenders, of whom great part are people of the same country, or at the least, if the offenders be of another country, their receivers are of the neighbourhood; and this they do, because an oath is not put unto jurors, nor upon the country where the felonies were committed, as to the restitution of damages; hitherto no penalty has been provided for their concealment and their laches; our lord the King, to abate the power of felons, has established a penalty in such case, so that from henceforth, for fear of the penalty more than for fear of any oath, they shall not spare any, nor conceal any felonies; and he commands that proclamation be solemnly made in all counties, hundreds, markets, fairs, and all other places where there shall be a formal assemblage of people, so that none may be able to excuse himself by ignorance, that from henceforth every country be so well kept, that immediately after the commission of robberies and felonies fresh suit be made from town to town, and from country to country.

Inquests of
felonies.

II. Likewise, if need require, that inquests be made in towns, by him who is sovereign of the town, and afterwards in hundreds, and in franchises, and in counties, and sometimes in two, three or four counties, in cases where felonies shall be committed in the marches of counties, so that the offenders may be attainted. And if the country answer not for such manner of misdoers, the penalty shall be such, that every country, that is to say, the people dwelling

¹ The text taken from the Statute Roll (Engl.) m. 41, is printed in *Statutes of the Realm*, I, p. 96. This statute was ordered to be observed in Ireland by the ordinance made at Westminster, 17th March, 1308, quoted in the preceding document.

in the country, be answerable for the robberies committed, and for the damages; so that the whole hundred where the robbery shall be committed, with the franchises that are within the precinct of the same hundred, be answerable for the robbery done. And if the robbery be committed in bounds between hundreds, that both the hundreds, together with the franchises, be answerable; and after that the felony or robbery is done, the country shall have no longer space than forty days, within which it shall behove them to make satisfaction for the robbery and offence, or else that they answer for the bodies of the offenders.

III. And forasmuch as the King wills not that his people should be suddenly impoverished by reason of this penalty, which may seem hard to anyone, he grants that it be not incurred immediately, but that the penalty be respite until Easter next following, and within that time the King shall see how the country shall bear itself, and whether such robberies and felonies shall cease. After which term let all be assured, that the aforesaid penalty shall run generally, namely, that every country, that is to say, the people dwelling in the country, be answerable for robberies and felonies committed in their country.

IV. And for the greater security of the country, the King commands, that in the great towns, which are enclosed, the gates be closed from sunset until sunrise; and that no man lodge in the suburbs, or in any foreign part of the town only in the daytime, nor yet in the daytime, if the host will not answer for him; and that the bailiffs of towns every week, or at the least every fifteenth day, make inquiry as to all persons lodging in the suburbs, and in foreign parts of the towns; and if they find any who receives or lodges in any manner persons who may be suspected of being against the peace, that the bailiffs do right therein. And it is commanded, that from henceforth watches be kept, as has been used in times past, that is to say, from the day of the Ascension to the day of St. Michael, in every city by six men at every gate; in every borough by twelve men; in every town by six men or four, according to the number of the inhabitants who dwell [in the town], and that they keep watch continually all night, from sunset to sunrise. And if any stranger pass by them, that he be arrested until morning; and if no suspicion be found, that he go quit; and if they find cause of suspicion, that he be delivered to the sheriff forthwith, and that he receive him without danger, and keep him safely, until he be liberated in due manner. And if they will not suffer Strangers may be arrested by the night watch;

or hue-and-cry made after them. themselves to be arrested, that hue-and-cry be raised against them, and those who keep watch follow with all the town, with the towns near, with hue-and-cry from town to town, until they be taken and delivered to the sheriff, as before is said; and for the arrest of such strangers, that none be called in question.

Highways to market towns shall be enlarged.

V. And further, it is commanded, that highways from one market town to another be enlarged, where there are woods, hedges, or ditches, so that there be neither ditches, underwood, nor bushes wherein a man may lurk to do hurt, near the road, within two hundred feet on the one side, and two hundred feet on the other side, provided that this statute extend not to oaks, or to great woods, so as it be clear underneath. And if by default of the lord who will not abate the ditch, underwood, or bushes in the manner aforesaid, any robberies be done, that the lord be answerable therefor; and if murder be done, the lord make fine at the King's pleasure. And if the lord be not able to clear away the underwood, that the country aid him in doing it. And the King wills, that in his demeane lands and woods, within his forest and without, the roads be enlarged as aforesaid. And if, perchance, a park be near the highway, it is requisite that the lord of the park diminish his park, so that there be a space of two hundred feet from the highway, as before said, or that he make such a wall ditch, or hedge, that evil doers will not be able to pass or return, to do evil.

The lord answerable.

Parks adjoining highways.

What armour each person shall have in his house.

View of arms.

VI. And further, it is commanded, that every man have in his house armour, to keep the peace, according to the ancient assise; that is to say, that every man between fifteen years of age, and sixty years, be assessed and sworn to arms, according to the quantity of their lands and chattels; that is to say, for fifteen pounds [value of] lands, and chattels of forty marks, an hauberk, a headpiece of iron, a sword, a knife, and an horse; and for ten pounds of land, and twenty marks of goods, an hauberk, a headpiece, a sword, and a knife; and for one hundred shillings of land, a doublet, a headpiece of iron, a sword, and a knife; and for forty shillings of land and more, up to one hundred shillings, a sword, a bow, arrows, and a knife; and he that has less than forty shillings in land, be sworn to gisarms, knives, and other small arms; and he that has less than twenty marks in goods, have swords, knives, and other small arms. And that all others who can have them, have bows and arrows out of the forest, and in the forest, bows and bolts, and that view of arms be made thrice every year. And that in every hundred and franchise two constables

be elected, to make the view of arms ; and that the constables afore-
said present before the justices assigned, when they shall come to the country, the defaults that they shall have found in arms, and in
suits of towns, and in highways ; and also present those who lodge
strangers for whom they will not answer, in country towns. And
that the justices assigned present at every parliament unto the King,
and the King shall provide remedy therein. And that from henceforth
sheriffs and bailiffs within franchises and without, be they greater or
lesser, who have any bailiwick or forestry in fee, or otherwise,
take good heed that they follow the cry with the country ; and as they
are able, that they have horses and arms, so to do ; and if there be any
that do not, that the defaults be presented by the constables to the
justices assigned, and afterwards by them to the King, as aforesaid.

And the King commands and forbids that from henceforth, for the honour of Holy Church, fairs or markets be held in church-yards.

Fairs and
markets shall
not be held in
church-yards.

Given at Winchester, the eighth day of October, in the thirteenth
year of the King's reign.

3 EDWARD II. A.D. 1310.

[PATENT ROLL 3 EDWARD II. m. 3 f.]

art. 44.

PARLIAMENTUM DE KYLKENNY.¹ R. Ričo de Burgo Com Vlton saltm. Quia sup quibusdam arduis negotiis nos & statū Pre nre cōtingentibz vobiscū here volum' tēctatū spalem vobis mandam' qd sitis in pp'a psona vra apud Kylkeny die Lune in Octabis Puř be Marie ad tēctand & pliamentand cū Justič nro Hibn & aliis de cons & cū cefis pceribz & magnatibz Pre nre sup eisdem negotiis. Et hoc nullaten' omittatē in fide qua nob tenemini et heatis ibi hoc bře. T. J. Wogan &c. apud Dubliū viij die Jañ anno ē n Pcio.

art. 45.

Consimilia břia mandata sunt diſsis hōibus in Hibn, videlicet.

Joħi de Barry	Matħo de Cauntetōn
Joħi de Cogan	Wilto de Cauntetōn
Mauř de Carru	Beymūdo Lercedekne
Mauř de Rocheford	Nicho de Curcy
Joħi le Poer de Donyl	Pħo de Barry de Carrigdonegan
Joħi le Wyte Poer	Pħo de Barry de ²
	Roħto de Barry
Ričo le Waleys	Simoni de Genuiħ
Jacobo de Ketýng	Ričo de Exonia
Ričo de Valle	Nigello le Brun
Walpo de Valle	Joħi de Staunton
Wilto de scō Leodar	Walpo de Lacy
Walpo le Bret	Hugoni de Lacy
Wilto de Burgo	Joħi Tuyt
Jordano de Exoñ seniori	Ričo fit Joħis
Jordano de Exoñ Juniori	Walpo de Cusak

¹ The enactments of this parliament were confirmed by a later one held at Kilkenny, 19 Ed. II.

² Obliterated.

3 EDWARD II. A.D. 1310.

[PARLIAMENT OF KILKENNY.]

THE King to Richard de Burgo, earl of Ulster, greeting. Inasmuch as upon certain difficult matters concerning us and the state of our land, we are desirous of specially treating with you; We command you that you be in your own person at Kilkenny, on Monday in the Octaves of the Purification of Saint Mary, to treat and deliberate with our Justiciar of Ireland and others of the Council, and with other nobles and magnates of our land, upon these matters; and by no means neglect this, on the fealty by which you are bound to us; and have there this writ. Witness J. Wogan, &c., at Dublin, the 8th day of January, in the third year of our reign.

Like writs are sent to divers men in Ireland, namely:—

John de Barry.	Matthew de Caunteton.
John de Cogan.	William de Caunteton.
Maurice de Carru.	Raymond the archdeacon.
Maurice de Rocheford.	Nicholas de Curcy.
John le Poer of Dunhill.	Philip de Barry of Carrigdonegan.
John le Wyte Poer.	Philip de Barry of Robert de Barry.
Richard le Waleys.	Simon de Genvill.
James de Ketyng.	Richard de Exeter.
Richard de Valle.	Nigel le Brun.
Walter de Valle.	John de Staunton.
William de St. Leger.	Walter de Lacy.
Walter le Bret.	Hugh de Lacy.
William de Burgo.	John Tuyt.
Jordan de Exeter, the elder.	Richard, son of John.
Jordan de Exeter, the younger.	Walter de Cusak.

Johi de Boneuillt
 Galfro le Bret
 Regin Russel
 Pho Xpofre
 Miloni de Curcy
 Nicho fit Mauř
 Georgio de Rupe
 Wilto de Rupe
 Johi fit Th Lengleys

David de scō Albino	Simoni ffeypo
Riço Tuyt	Riço Taaf
Wiltō de Londoñ	Thome de Maundeuillt
Baldewyno le flēmŷg	Hugoni Byset

Johi B̄yset
 Alano fit Warini

Pho de Maundouillt	Edm̄ de Penbrok
Walpo de Sey	Hugoñ Byset
Wiltō le fyz Waryn	Petro de Maundouillt
Thome le fyz Wař	Rogo de scō bosco
Pagano de Eledoune	Michi de Kylkenan
Robto psone	Walpo Sarexyn
Nicho le Blund	Hugoni de Balydouenald
Wiltō Strangbowe	Henř Eř clogher

Wiltō Taaf	Mat̄ho fit Hugoñ de Hanewode
Johi fit Martini de Maundouillt	Johi fit Alani de Logan
Ade de Logan	Miloni de Eldoune
Pho de Borquei	Johi Talbot
Henř le flēmyng	Riço le Sauage
Johi Scargyl	Wiltō Calf
Thome le Tajllur	Alano de Insula

John de Bonevill.
 Geoffrey le Bret.
 Reginald Russell.
 Philip Christopher.
 Milo de Curey.
 Nicholas, son of Maurice.
 George de Roche.
 William de Roche.
 John, son of Thomas Lengleys.

David de St. Aubin.	Simon Feypo.
Richard Tuyt.	Richard Taaf.
William de London.	Thomas de Maundevill.
Baldwin le Flemyngh.	Hugh Byset.

John Byset.
 Alan, son of Warine.

Philip de Maundovill.	Edmond de Pembroke.
Walter de Sey.	Hugh Byset.
William le fyz Waryn.	Peter de Maundovill.
Thomas le fyz Walter.	Roger de Holywood.
Pagan de Eledoune.	Michael de Kylkenan.
Robert of the parson.	Walter Sarexyn.
Nicholas le Blund.	Hugh de Balydouenald.
William Strangbowe.	Henry, bishop of Clogher.

William Taaf.	Mathew, son of Hugh de Hane-
John, son of Martin de Maun-	wode.
dovill.	John, son of Alan de Logan.
Adam de Logan.	Milo de Eldoune.
Philip de Borquei.	John Talbot.
Henry le Flemyngh.	Richard le Savage.
John Scargyl.	William Calf.
Thomas le Taillur.	Alan de Insula.

Willo Byset
 Riōn Slemeryche
 Miloni de Swerdes
 Huſto Byset
 Huſto le Waleys
 Johi de Langetoñ
 Johi Pynxebek

n. 4.
 art. 63.

Et dñs Rex mandauit omibz vič suis de tra þðca qđ venire
 fač ibidem ad diem þðcū de quolibz Com̄ duos Milites. Et de
 qualibet ciuitate v̄ Burgo duos Ciues v̄ duos burgens̄ hentes
 plenam þstatem ex pte Com̄ þðcoȝ Com̄ Ciuitatum et Burgoȝ
 ad pliamentand t̄ctand & ordinand cū þðco Justic & cons̄ nro
 & cū celiis peeribz fr̄e þðce sup eisdem negotiis & ad faciend
 & consencient ordinaçōibz ibidem p iþos ordinand.

Ad quem diem þðcū Justic & alii de cons̄ dñi & ibidem
 existentes congregatis corā iþis omibz ibidē sumonitis
 ostenderūt ex pte dñi & quandam petiçōem sub forma que
 sequit̄ tenore verboȝ — Por coe q toutes choses vendables
 sunt encheriz trop outiousement autrement q ne furent en nul
 temps e encheriscent de iour en Iorr a ḡunt damage du Roy
 e du pople de sa fr̄e Dyrlaunde, Prie le dit nre seign̄ le Roy
 p sa Justice & son consail q ci est a preles Countes e Barouns e
 autres bones gens de la cōmunyaute de la fr̄e q sunt venuz p
 somunee q en la foy qil deyuent a li e a sa corone voillent de
 cestes choses & de autres q touchent la garde la pees de la fr̄e
 Dyrlaunde veer les defautes e sur ycoe e autres choses q plus
 plenement front mustrez p la dite Justice mettre tielt consail
 tiel remedye e tiel eyde qil soit a lonur de dex e de seynte
 Eglise e a cōmun pfit du Roy e du pople de sa fr̄e Dyrlaunde
 auaunt dite. E pur coe q semble acombrouse chose q tous

William Byset.
Richard Slemeryche.
Milo de Swords.
Hubert Byset.
Hubert le Waleys.
John de Langeton.
John Pynxebek.

And the lord the King commanded all his sheriffs of the aforesaid land, that they should cause to come there at the day aforesaid, of every county two knights, and of every city or burgh two citizens, or two burgesses, having full power on behalf of the communities of the aforesaid counties, cities and burghs, to parley, treat and ordain with our said Justiciar and Council, and with the other nobles of the said land upon these matters, and to do and agree in the ordinances there by them to be ordained.

At which day the aforesaid Justiciar and others of the Council of the lord the King there being, all who were summoned thither being met together before them, presented on behalf of the lord the king a certain request in the form which follows in the tenor of these words:—Whereas all things saleable are become so excessively increased in price, otherwise than they were at any time, and they increase in price day by day, to the great damage of the King and of the people of his land of Ireland, our said lord the King, by his Justiciar and his Council here present, prays the prelates, earls and barons, and other good men of the community of the land who are come by summons, that on the fealty that they owe to him and to his crown, they will, of those things and of others which touch the preservation of the peace of the land of Ireland, see into the defaults, and on this and other things that shall be more fully shown by the said Justiciar, afford such counsel, remedy and aid as may be for the honour of God and of Holy Church, and to the common profit of the King and of the people of his land of Ireland aforesaid. And forasmuch as it seems a cumbrous proceeding

ceaux q̄ sunt venuz p̄ sumounce seyent ordinurs de cestes choses, p̄ e ñre seignr p̄ sa Justice e sun consayl q̄ ci est q̄ toute la cōmune elyserent deus prelas ou deus autres pdoms hômes e q̄ eaux quatre elisent de eaux memes e des autres des plus sages q̄ ci sunt xvij q̄ melx sachent voillent e puissent p̄ assent de la cōmūaute auaunt dite consayl eyde e remedye mettre ou le consayl le Roÿ en la forme auaunt dite. Pretextu cui? petiçois e ¹ itas ad þðca faciend e ordinand eligunt Ep̄m Ossoř Ep̄m lysm̄ Ep̄m Imet Johem de Barry Eustach le Poer quiqidm̄ elici eligunt ad se Elcm̄ Leghlyñ Com̄ Ultōn P̄orem Hospital sc̄i Johis Jerlm̄ in Hibñ Mauñ de fforde Jordanū de Exon̄ seniorē ffulconē de fraxineto Johem̄ de Druyt Walfm̄ Wogan Wilm̄ de Rupe Hugoñ Canouñ e Dauid le Maziner, qui sp̄alit̄ ad hoc iuñ t̄ctarūt adiunctē cū delib̄açone e tam de assensu e de cōsensu e Iustic e cons̄ dñi R̄ q̄m̄ cōitatis þðce ordiñunt e ad ppetuam rei memoriam statuerunt quasdam ordinaçones sub hac forma que sequit̄ tenore verboꝝ eç.

Les p̄incipales causes p̄r qui toutes choses vendables sunt encheriz souent p̄r coe q̄ marchauns est[rangers e]l autres passaunt p̄ pays sount robez de lur biens p̄ ceux de ḡnt lygnage ver quels il vnt en plusours fois ca en aire pey de recoder ou ¹ est . ¹ e emp̄sonez e detenuz en boyſ taunt qil seyent reyns a la volente des tiels meffesours. Et p̄r coe auxi q̄ tiels meffesours pnent auxi bien en viles come de boyſ payn vyn ðuoise chars e autres vitaylles e choses vendables ou kil seyent sauns renable paye fere par qui marchauns nosent p̄ pays passer marchaundyse mener ne mustrer nyent plus denz ville q̄ de bois, Acorde est p̄ cōmun assent ¹ cōmun consail de la Pre com de cōmun

¹ Obliterated.

that all those who have come by summons should be ordainers of these things, our lord, by his Justiciar and his Council here present, prays that all the assembly choose two prelates with two other men of note, and that these four choose of themselves and others, the wisest that are here, sixteen who best know how, are willing and able, by the assent of the community aforesaid, to afford counsel, aid and remedy [in conjunction] with the King's Council, in the form aforesaid.

By reason of which request, and . . . the community ^{Special coun-} elected, to perform and ordain the aforesaid things, the Bishop ^{cil elected.} of Ossory, the Bishop of Lismore, the Bishop of Emly, John de Barry, Eustace le Poer, who being chosen, elected to join them, the bishop elect of Leighlin, the Earl of Ulster, the Prior of the Hospital of St. John of Jerusalem in Ireland, Maurice de [Roche]fort, Jordan de Exeter, the elder, Fulk de la Freigne, John de Drayl, Walter Wogan, William de Roche, Hugh Canoun, and David le Maziner; who being specially sworn for this purpose, treated together with deliberation, and as well with the assent and consent of the Justiciar and Council of the lord the King as of the community aforesaid, ordained and in perpetual remembrance of the matter, enacted certain ordinances in the form of words which follow.

The principal causes why all things saleable are often increased in price are because that merchants [strangers and] ^{Causes of,} others passing through the country are robbed of their goods by those of great lineage, against whom they have frequently heretofore had small means of recovery, and imprisoned and detained in woods at the will of such malefactors, until they be ransomed; and because also such malefactors take, as well in towns as in the woods, bread, wine, beer, flesh, and other victuals, and things saleable, wherever they be, without making reasonable payment, by reason whereof merchants dare not pass through the country, to convey or expose their merchandise any more in the town than in the wood, It is agreed by common assent [as well] of the common council of the land, as of the common council of the

[con]sail le Roy q̄ chekun cheif de g^{ent} lygnage enpigne
 chastier ceaux de sun lygnage¹ la Ley
 solome¹ poor. E si par cas un cheyuytaÿn de lygnage
 ne soit mye assez pur iusticer les mefessours¹
 iustice q̄ oue le eyde des autres cheuetayns oue le poer le Roy
 des¹ q̄ sount¹ & a toutes les
 autres choses q̄ a la garde de la pees le Roy apendent lealment
 fere¹ de li se conussent
 estre tenuz e solom ceste ordinance¹
 q̄ en chekun Counte seÿent establiÿ dex pdoms hômes ou
 plus¹ pdoms hômes
 ou plus sil eyent ensemblement ou le vescounte e Coron^z
¹ enquere de tutz man^ze
 mefessours & memes iceaux chastier & enpisoner &
¹ q̄ le Roy a coe assignera.

Acorde est auxi p^r bien de la pees ke p^r amendment
¹ cest asau de la
 Moneye (?) & des forstaillurs (?) de Marche
¹ p^r la pees garder¹ & puplie
 & ferment tenus en tous ces poyns de¹
² E p^r coe q̄ marchauns e la cōmune de pople de ceste p^re
 sunt¹ pouyz & destruit p les p̄ses de g^{ent} seign^z
 de la p^re q̄ pnent la il vount p pays coe q̄ lur pleist sauns
 renable pae ou gre fere a ceaux de q̄i les choses sunt p̄ses.
 E auxi de coe qil vount soiorfi de gre e libeg oue bonez
 gens du pays contre lur volente p^r eaux destrure & enpofier,

¹ Obliterated.

² Lynch, in his *Legal Institutions, &c., Ireland*, p. 53, says that the statutes of arms, money, and *forestalling* were confirmed by this enactment. Statutes concerning false and other money were made 37 Ed. I and 28 Ed. I.

³ Printed as chap. I, Statutes 1310, in *Statutes of Ireland*, ed. Sir Richard Bolton, 1621.

It is agreed also for the good of the peace that for the amendment that is to say, of money, and of forestallers of the Money. market, for the preservation Forestallers. of the peace and published, and firmly held in all these points

And whereas merchants and the common part of the people of this land are [much] impoverished and oppressed by the prises of great lords of the land, who take what they will through the country, as it pleases them, without making reasonable payment or satisfaction with those from whom the things are taken ; and also whereas they will sojourn at their pleasure, and lodge with the good people of the country against their will, to destroy and impoverish them, It is agreed and assented that no such prises be henceforth made, without reasonable payment or satisfaction being made, and that no one No prises to be made with-

Acorde est & assentu q nuls teles p'ses seyent decy en auaunt fetes saunz renable paye ou gre fere. E q nul ne Oberge ne soiorne a meyson de autri p tiel malice encon⁹ le gre de celi q i la mesoun est p^r ses biens destrure. E si nult le fet seyent tieles p'ses.¹

¹ The entry in the roll is incomplete.

lodge or sojourn at the house of another, through such evil out payment
motive, against the will of him whose house it is, to destroy his ^{or agreement} goods, and if any do it, such prises [and such manner of lodge with
destructions shall be held for open robbery, and the King shall ^{No one to} another ^{against his} have the suit thereof, if others will not, nor dare not sue.]¹ will.

[In Sir Richard Bolton's edition of the Irish Statutes (1621),
the following, which are not found in the Patent Roll (above) or
in the entry in the Red Book of the Exchequer of Ireland, which
follows, appear as Chapters II. and V. respectively of the Statutes
enacted in this Parliament of 1310.

It is agreed also that none shall keep idle people nor kearn [CAP. II.]
in time of peace, to live upon the poor of the country, but that Kearns and
those, which will have them, shall keep them at their own idle persons
charges, so that their free tenants, nor farmers, nor other not to be
tenants be not charged with them. And if any idle man or kept in time
kearn take anything of any person against his will, in the form of peace at
aforesaid, the wardens of the peace and the sheriff of the county,
where such act shall be done, shall do with him as with an open
robber, as often as they shall have notice thereof, by indict-
ment, or by the suit of the King or the party.

It is ordained and provided that there shall be certain [CAP. V.]
justices assigned to take the assizes of *Mortdauncester*, and of *Novel Disseisin*, in all the counties of Ireland, and to deliver to make
the gaols, in the same counties, and that they shall make es- estreats of
treats of the fines and amerciaments, chattels of felons and fines for the
other manner of profits which appertain to the King, throughout
their offices, and such estreats shall deliver into the Exchequer
twice every year, that is to say, at Easter term and Michaelmas
term.]

¹ Supplied from *Statutes of Ireland*, 3 Ed. II. to 13 Jac. I., edited by Sir Richard Bolton, 1621.

3 EDWARD II. A.D. 1310.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 25.]

Cap^m. v.¹

A CORDE est ausint e assentu qe nul g^{nt} seign^r ne autre ne face duresces manaces noun duemēt² . . . s p^r auoir de lour g^{nt} rauncoun par tiele voie de extorsioune p^r doner les pteccion. E ceaux q[ui] tieles manieres de pteccions douuent ou receyuent autre qe le Rei ausibien² le Receyuour cōme le donour a la volentee le Rei forsp^s soulement les seign^rs q[ui] par resoun de lour reale fraunchise prouint pteccion doner denz lour fraunchises.

Md.
Cap^m. vij.

Acorde est ausint e assentu qe si nul hōme feffe autre de sa frē en lenthente de aler de guer[re]³ ou de fere autre felonie, e apres la felonie fete de auoir ariere sa frē auaundite qe [ti]s⁴oles manieres de feffementz soient tenuz pur nuls. Mes tantost apres la felonie fe[te]² eit le Rei lan e le Wastē de meisnes les tenemēt^s e puis les eit le chief seign^r cōme sa eschete. Issint nep^rq^{nt} qe la verite du fet e la maniere du feffement seit p^{me}s enqⁱs [p]²ar brief de la Chauncelerie.

Cap^m. viij.

Acorde est ausint qe nul sur peyne de vie e de membre ne dounne ne vende ne par nul artē ne par nul engyn face auoir a null Engleis ne Irreis q[ui] aptement countre la pees le Rey seit, vuyres ou vitailles ne autre chose qe aleir le puisse, ne oue luÿ ne tiegne pole ne cōpaignye ne luÿ face ne consail ne aide ne fauour ne luÿ doigne. Mes list a chescū q[ui] a la pees le Rei seit a courre sur tiels manieres de felouns, e les destruyre t^{nt} quil se voillent faire iustizables a la pees le Rey.

Cap^m. viij.

Acorde est ausint p^r bien de la pees des p^{ties} de Leynestere q[ui] si nul hōme Irreis ou Englis seit de guerre en un des quatre Counteez de Leynestere, qe toutz les quatre Counteez

¹ The earlier part is wanting in the Red Book.² Obliterated.³ Torn

3 EDWARD II. A.D. 1310.

IT is also agreed and assented that no great lord or other person unduly make duresse or menace [to anyone] to have of them great ransom by such way of extortion, or give them protection. And that those who give or receive such manner of protection, other than the King, as well the receiver as the giver, be at the will of the King, except only the lords, who by reason of their royal franchise, may give protection within their franchises. CAP. V. (4) None shall give protections but the King. Lords of franchises excepted.

It is also agreed and assented that if any man enfeoff another of his land, with the intent of going to war or committing any other felony, and after the commission of the felony, to have again his aforesaid land, that such manner of feoffments be held for nought; but that presently after the felony committed, the King have the year and the wastes of the same tenements, and that afterwards the chief lord have them as his escheat, so nevertheless that the truth of the fact, and the manner of the feoffment be first enquired of by writ out of Chancery. CAP. VI. (5) Feoffments made with intent to rebel or commit felony void.

It is also agreed that no one, upon pain of life and limb, give or sell, or by any arts or contrivance, cause any Englishman or Irishman, who may be openly against the King's peace, to have provisions or victuals or any other thing that might be for his sustenance, or hold parley or company with him, or afford him counsel or aid or show him any countenance. But it shall be lawful for everyone who is in the King's peace, to pursue such manner of felons and destroy them, until they be willing to become amenable to the King's peace. CAP. VII. No one to supply victuals or aid to any in rebellion. Pursuit of such.

It is also agreed, for the welfare of the districts of Leinster, that if any man, Irish or English, be at war in one of the four counties of Leinster, that all the four counties CAP. VIII. None at war in the four.

¹ Printed in Sir Richard Bolton's edition of the Statutes (1621), as cap. III.

² Printed in same as cap. IV.

de Leynestere deýuent tenir de guerre, issaint qil ne seit receu a pees sauntz assent des señ des quatre Countees auaütditz, e taüt cōme nul seit issaint de guerre nul des quatre Countees auaütditz, ne luý doune ne luý vendre výure ne vitailles, ne nule autre chose sicōme est auaütdit sur la peyne auaütdite.

Capm. ix. Acorde est ausint e assentu qe ceaux q i vnt f̄res en Marche facent garder lour M̄rchez e si nul par lour negligence e lour apte defaute e p̄ lour veisins e les f̄res des veisins destruyre, soefrent de gree e p̄ malice lour dites m̄rches destruyre e p̄ prendre par felouns Irreis ou autres la ou il les puissent auoir defenduz e poynt ne firēt ne fere ne voleient. Mes p̄ lour apte defaute les passages e les chemyns des marchätz e de autres qe sunt a la pees le Rei sount estopeez. E par taunt entree est done as Irreis felouns en les f̄res de pees q i p̄prendrount e destruyeront les f̄res veisines; en tiel cas list au Rei ou au chief seignur de q i les dites marches s̄rount tenues qe sul conquerent les dites Marches, de tenir les en lour mayns taüt qe les coustages luý soient renduz, les quels il auera myns ausi bien p̄ la f̄re conquerre cōme de le affermer e garder.

Capm. x. Acorde est ausint qe defendu seit a toutz les Religious qe meýnent en f̄re de pees ou f̄re Engleis qil ne receyuent en lour ordre ne en lour Religioun si ceaux noun qe sount de la nacioun des Engleis, e si autrement le facent le Rey se prendra a ceaux cōme a ceals q i sount despisours de son cōmaundement. E lour auowez se p̄ndrēt ausint a eaux cōme a ceaux q i sunt desobeissauntz e cont̄riauntz a ceste ordenaunce fete par le cōmun consail de la f̄re.

Capm. xi. Acorde est ausint qe p̄ ceo qe cestes ordenaunces sount si sollempnemēt fetes pur commun p̄fit de tote la f̄re Dirlaunde, sil ne soient fermemēt tenues e gardees sans blemysement en nul poýnt par durablement, ḡnt damage s̄reit a tote la f̄re auaütdite seient les articles des ordenaunces

of Leinster ought to hold him as at war, so that he be not received to peace without the assent of the seneschals of the four counties aforesaid, and so long as any be so in rebellion, that no one of the four counties aforesaid give or sell him provisions or victuals or any other thing as aforesaid, upon the penalty aforesaid.

counties of
Leinster to
have victuals
supplied.

It is also agreed and assented that those who have lands in the march, cause their marches to be guarded, and if any, by their negligence and their open default, and so as to destroy their neighbours and their neighbours' lands, wilfully and of malice, suffer their said marches to be destroyed and taken by Irish felons or others, whereas they might have defended them, and they do it not nor are willing to do it; but by their open default, the passes and the roads used by merchants and others who are in the King's peace, are stopped. And thereupon entrance is given to Irish felons into Where roads lands at peace, who thus shall take and destroy the neighbouring stopped, &c., lands; in such case, it shall be lawful for the King or the lord to hold chief lord, of whom the said marches shall be held, if they conquer, conquer the said marches, to hold them in their hands until the charges be paid them, which they shall have expended as well guarding, &c. in conquering the land as in securing and guarding it.

It is also agreed that it be forbidden to all the Religious who dwell in a territory at peace or in English land, to receive into their order or into their religion any, save those who are of the English nation, and if they do otherwise, the King shall act towards them as in the case of those who are despisers of his command; and their patrons shall demean themselves towards them as in the case of those who are disobedient and opposed to this ordinance, made by the common council of the land.

It is also agreed that, inasmuch as these ordinances are thus solemnly made for the common benefit of the whole land of Ireland, if they be not firmly held and kept without infringement in any point for ever, there would be great injury to the whole land aforesaid, the articles of the aforesaid ordinances be read

CAP. IX.

Those who
have lands in
the marches
to guard
them.

CAP. X.

Only those of
the English
nation to be
received into
Religious
orders.

CAP. XI.

Foregoing
ordinances to
be published.

auaūtdites ci deuaunt tut le poeple lu e publie e qe Erceuesq
Euesq e autres blatz q[ue] ci sount escumengent sollempnemēt .¹
ceaux q[ue] encoultre cestes ordenaunces en nul point ven-
drount p[ro]ueement ou ap[tement]¹ par force ou par arte ou
par engyn ou en nule maniere quele qe ele seit. E estre
[ceo]¹ soient les articles auaūtditz maundes desouz le seal
le Rei a toutz les Erceuesq[ue]s d[e la dit]l're e qe eaux facent
les ditz articles en chescune Eglise Cathedrale de tote lour
p[ro]vin[ce] e aillours la ou il voient qil fet afere pur bien
de la pees le Rei lire e publier [e]² maunder ceo qe en
eaux est quil soient par tut tenuz. E de fere escumeng² en
ch[er]e² eglise Cathedrale e pochiale toutz ceaux q[ue] vount
encoultre les dites ordinaū[ces]² en nul poÿnt aptement ou
p[ro]ueement sicōme est avaūtdit.

Sentencia.

Auctoritate p[re]dīcāz ordinacionū p[ro]uisionū e concessionū
veniabit pa[re]t M: Ar[ch]ieps Cassel W: Ossoř Ep[iscop]s. W: Imet Ep[iscop]s. R:
Lismoř Ep[iscop]s. M: Leighliū Etcs confirmatus e ceteri p[re]lati xij^o
die ffebř in Maiori eccl[esi]a sc̄i Kenni de Kilkenni in p[re]sencia
dnoř Rici Coř Vltoř John Wogan Justiř Hibn, Ric[ard] de Clare,
Johis fit Thome, Johis de Barry, Mauř de Rupeforti e alioz
plimoz magnatū p[re]re Hibn e de eoždem assensu p[ro]nūciarūt
q[ui]mdam sentenciam in hec verba.

Nos M: miseracione diuina Archieps Casselens. W: Ossoř.
W: Imet. R. Lismoř Ep[iscop]i e M: Leighliū Etcs confirmatus
auctoritate dei pat's om̄ipotentis e fit e sp̄ti sc̄i e ḡfiose semp
virginis ḡntricis dei Marie e bi Archangli Michis e Om̄um
Angloz boř Petri e Pauli e Om̄ium Aploř Martiř Confessoř e
virginū excōicamus anathematizamus dampnam² e a liminib[us]
sc̄e Mat's eccl[esi]e sequest[us] om̄es e singulos qui amodo pacem

¹ Obliterated.

² Torn.

and published before all the people, and that the archbishops and bishops and other prelates who are here, solemnly excommunicate those who against these ordinances in any point offend, Offenders to be excommunicated secretly or openly, by force or by contrivance or design, or in any manner, whatsoever it be. And further that the articles aforesaid be sent under the King's seal, to all the archbishops of the [said] land, and that they cause the said articles to be read and published in every cathedral church of their entire pro[vince] and elsewhere, wherever they see fit that it should be done for the welfare of the King's peace, [and] command (as far as in their power) that the [said articles] be, in all points, observed ; and that they cause to be excommunicated, in every cathedral and parish church, all those who act contrary to the said ordinances, in any point, openly or secretly, as aforesaid.

Sentence.—By authority of the aforesaid ordinances, provisions and grants, the venerable fathers M[aurice], archbishop of Cashel, W[illiam], bishop of Ossory, W[illiam], bishop of Emly, R[ichard], bishop of Lismore, M[aurice, bishop] elect and confirmed of Leighlin, and other prelates, on the 12th day of February, in the great church of St. Canice, Kilkenny, in presence of the lords, Richard, earl of Ulster, John Wogan, justiciar of Ireland, Richard de Clare, John son of Thomas, John de Barry, Maurice de Rochfort, and many other magnates of the land of Ireland, and with their assent, pronounced a certain sentence in these words,—

We, M[aurice], by divine mercy, archbishop of Cashel, Excommunication W[illiam] of Ossory, W[illiam] of Emly, R[ichard] of Lismore, pronounced bishops, and M[aurice, bishop] elect and confirmed of Leighlin, in St. Canice's, Kilkenny. by authority of God the Father Almighty, the Son and the Holy Spirit, and of the ever glorious Virgin Mary, mother of God, St. Michael the archangel and all angels, saints Peter and Paul, and all the apostles, martyrs, confessors and virgins, excommunicate, anathematize, condemn, and from the threshold of Holy mother church, exclude all and singular those who shall

ðni Regis in fra Hibñ scienc° maliciose violauerint pt̄baſint seu violari & pturbari mandabint concesserint vel assenserint p se vel alios consilio vel auxilio arte vel ingenio cum ðibz fautoribz siue clam vel palam cui'cumq fūint condicionis, simili modo oñes illos & singulos cui'cumq condicionis fūint qui ordinaciones þdcas in hoc parlimēto ordinatas pt̄baſint violaſint seu irritaſint mandabint seu temptaſint seu fauorem auxiliū aut receptamentū pt̄batoribz & violatoribz scienc° dederint quoquo modo.

Apres totes les auaūtdites bosoignes cheuyes en la fourme auaūtdite ordene fut par la Justice & par le conseil le Rei p ceo qe multz des gens sunt fetz viscountes par resoun de gantz Pres & tenementz qil tienent q̄i poÿ sount sachauntz del office viscountell & bien deýuent estre qe il ne vnt guers de tieles choses apris¹—

¹ Entry incomplete.

henceforth, the peace of the lord the King in the land of Ireland, knowingly, maliciously, violate or disturb, or command, grant or assent to its being violated or disturbed, by themselves or others, by counsel or aid, art or design, with all their favourers, whether secretly or openly, of whatsoever condition they be ; in like manner, all and singular those, of whatsoever condition they be, who the aforesaid ordinances in this parliament ordained, shall disturb, violate or make void, or assail, or knowingly give aid or shelter to disturbers and violaters in any manner.

After all the aforesaid businesses concluded in form aforesaid, it was ordained by the Justiciar and by the King's council, that whereas many of the people are made sheriffs by reason of the great lands and tenements that they hold, who, little learned ^{Unsuitable persons} in the office of sheriff (and they should be well skilled therein), appointed ^{sheriffs.} seeing that they have little acquaintance with such things—

10 EDWARD II. A.D. 1316.

[MEMORANDA ROLL, EXCHEQUER, 3-11 EDWARD II. m. 13 d.]¹

CUM p diicem & fidelem nřm Edmūdum le Botiller Justicę
 nřm Hibn & totum cons ſirm ibidem p pacis ſtre conseruacōne & cōi popli ſtri vtilitate iam concordatū sit & ordinatū, qđ omes & singuli redditus firme pſicua & alii quicunq; exitus Fraž & teñ quoq; alienigenaž & ex^aneq; hoim in pđca Fra ſtri Hibn qui ex^a eandem Fra ſram ſram ſe tenent & redditus & firmas suas plenarie ibidem recipiunt & alibi expendunt p ſua voluntate n° custus ſeu misas aliquas in defenſionē Fraž & teñ ſuoq; pđcoꝝ appoſte curant, p quod p maiori pte in eoꝝ deſtm tam Fra & teñ ſtri q^am alioꝝ fideliū ſiroꝝ ibidem et Fra & teñ ſua ppria p diuſos maleſtores & pacis ſtre pťbatoreſ hucvſq; deſtruunt & vasta iacent & inculta in ſtri & toci^o populi ſtri pđci dampnū g^auſſimū & intollerabile, de cetero ad opus nřm leuent colligant & recipiant, ita qđ tota peč inde pueniens in Theſ nřm apd Dublii sine diſtione libet ibidem in deſpoſito remanenda & p pacis ſtre conſeruacione & pđce Fra ſtre defenſione cū tempis acciderit oportunitas expendenda.

¹ This enactment is recited in a writ dated 11th September, 10 Edward II. and, from the word *jam* in the preamble, it would appear to have been made just prior to that date. Edmund le Botiller was appointed Justiciar of Ireland by writ of 4 Jan., 8 Ed. II. (1314-15), holding that office until 1318. (See XXVI. Report Dep. Keeper Records, Ireland, Appendix III, p. 58, note.)

10 EDWARD II. A.D. 1316.

W^HEREAS by our beloved and faithful Edmund le Botiller, our justiciar of Ireland, and our whole council there, for the preservation of our peace and the common benefit of our people, it is now agreed and ordained that all and singular the rents, farms, profits, Rents of alien
absentees' and other issues whatsoever of lands and tenements of lands to be
expended
for defence of any aliens and foreigners whatsoever in our aforesaid land of Ireland, who keep themselves outside our said land, and the country. their rents and farms fully there receive, and expend them elsewhere at their pleasure, nor care to apply any costs or expenses in the defence of their lands and tenements aforesaid, whereby principally through their default, as well our lands and tenements as those of other our liegemen there, and their own lands and tenements, by divers malefactors and disturbers of our peace have been heretofore destroyed, and lie waste and uncultivated, to the very grievous and intolerable injury of us and all our people aforesaid, from henceforth be levied, collected and received to our use, so that all the money thereout arising shall be delivered into our treasury at Dublin, without delay, there to remain in deposit, and to be expended for the preservation of our peace and the defence of our land aforesaid, whensover occasion shall require.

13 EDWARD II. A.D. 1320.

[RED BOOK OF THE EXCHEQUER IN IRELAND, VOL. 27.]

[ORDINANCES¹ acte in parliamento Dublii in mense Pasche anno regni Regi E. fili Regi E. tercio decimo, ooram Rogo de Mortuo Mari Justicii Hibn & consilio domini Regis & [a]²liis magnatibus terre Hibn tunc ibidem existentibus, in forma que sequit^r.

Edward par la grace dieu Rey Dengleterre Seigneur Dirlaunde & Ducks Daquityne [as]² Meir & as Baillifs de Dyuelyn salutz. Come par cōmun assent de nre Justice Er[che]²uesqs Euesqs Countes Barouns & tote la cōmunalte de nre frē Dirlaunde a nre plement a Dyuelyn tenutz au meys de Pasche lan de nre Regne treszyme seit acorde & assentu [q]² les ordenaunces souzescrites soient fermement tenutz & establitz en tote nre frē auant dite ceo est assauoir, pur lez g^ēntz greuaunces & oppressionis q̄ nre poeple en Irelaunde ad suffert ca en arere, p̄ defaute quil ny auoit certeyn remedy ne recourir ordeinetz en plusors cas ou mesf feust, q̄ toutz les articles susditz en le hon^r de dieu et de seinte Eglise & p^r le profit du poeple auant-dit seient pleynement desore en auant tenuz e gardez en touz poyntz.

Capm.
primum

A de pⁱmes acorde est q̄ seinte Eglise soit fraunchie & eit totes ses fraunchises et ses fraunches custumes saunz nule manierre de blemissement, et q̄ la g^ēnde chartre le Roy graunte a la clergie & au poeple Dirlaunde soit puplie & tenutz en touz poyntz. Et q̄ tous les articles contenuz de souz le g^ēnd seal Denglebre a desclarer en quel cas la phibicion le Roy deit estre garde et en quel noun soit puplie & tenuz.

Capm. ij.

Acorde est auxsint q̄ les estatus de Weymoustr le pⁱmer & le secound, M^rton, Marleberge, et Gloucestre seent tenuz et les

¹These ordinances were confirmed in a parliament held in Kilkenny, 19 Edward II.

²Obliterated.

13 EDWARD II. A.D. 1320.

ORDINANCES enacted in a parliament at Dublin in the month of Easter, in the thirteenth year of the reign of King Edward, son of King Edward, before Roger de Mortimer, justiciar of Ireland, and the council of the lord the King, and other magnates of the land of Ireland then there being, in the form following:—

Edward by the grace of God, King of England, lord of Ireland and duke of Aquitaine, to the mayor and bailiffs of Dublin greeting: Whereas by common assent of our Justiciar, the archbishops, bishops, earls, barons and the entire commonalty of our land of Ireland, in our parliament held at Dublin in the month of Easter, in the thirteenth year of our reign, it is agreed and assented that the under written ordinances be firmly held and established in all our land aforesaid, that is to say, in consideration of the great grievances and oppressions which our people in Ireland have suffered in the past, by reason of their having no certain remedy or recovery ordained in many cases where need was, [and] that all the underwritten articles, in the honour of God and of Holy church, and for the profit of the people aforesaid, be henceforth fully observed and kept in all points.

Firstly, it is agreed that Holy church be free, and have all her liberties and free customs without any manner of infringement, and that the great charter of the King granted to the clergy and people of Ireland be published and observed in all points; and that all the articles contained under the great seal of England declaring in what case the King's prohibition, and in what name, ought to be observed, be published and held.

It is also agreed that the Statutes of Westminster the First and the Second, of Merton, of Marlborough and Gloucester¹ be

CHAP. I.

CHAP. II.
Confirmation
of West-
minster the
First, and
other statutes.

¹ The Statutes of Westminster the First and Second, and the Statute of Gloucester were ordered to be observed in Ireland by Writ 13 Edw. I. (see p. 46), and are enrolled in the Red Book of the Exchequer in Ireland. The Provisions of Merton were to be observed under Writ 20 Henry III. (see p. 29). The Statute of Marlborough (23 Henry III.), would not appear to have been previously authorized for observance here; it will be found in *Statutes of the Realm*, vol. I., p. 19.

altres estatutz fetz en Engleterre p le Roy & son conseil seent recitez & examinetz deuant le conseil le Roy entre cy & le proscheiñ plement & la puplietz & les points q̄ couenables sount pur le poeple e la pees de la terre Dirlande soient illuesques confermetz et tenutz, salues toutz iours les bones custumes et usages de la terre.

Capm. iij.

Et p̄ ceo q̄ le cōmun poeple Dirlaunde est m̄t greue et a pōy destruyt et les terres de seinte eglise et du pople sount gastetz & destruytz par diuerses meffesours en la mafie qen suyt, ceo est asauoir q̄ tout pleyn des gentz maundent lour gentz, chiuaux, cheens, et oyseals pur soiorner as mesouns des bones gentz Religiouns e autres encontre lour voluntie et pernent & destruyent lour biens & ausi autres sount q̄ sount ou se fount des lynages et cuylent ḡnde compagnie a eaux des hobelours vdyues gentz et autres mauoys, encontre la pees & autres gentz a pee q̄ vount de ville en ville de home en home demandauntz curtoisies des denierres bleetz & autres manierres des vitailles, & si hōme ne les doun a lour voluntie il manacent la gent de vie & de membre & ialemeyns pnent les biens des bones gentz en noun de gage, & les tenent taunt quil eent lour demaunde. Parquey p̄ueu acorde & assentu est q̄ come tiels mafies de mefesours vendront en pays q̄ hu & cry soit leue s̄ eaux, a quey tout le poeple lieue & les p̄sue & preigne sil se voudront rendre, et tauntost soient maundetz a la p̄sone le Roy et la demoergent taunt q̄ dreit seit fait de eaux come de eaux q̄ sount encontre la pees le Roy et les biens & les ch̄iuaux cheens & oyseaux soient forfetz au Roy ou a seign̄ de fraunchise ou a Baroun qad conissaunce de meynoeure ou tieuz trepasses soient faitz. Et sil ne se vuillent my rendre soient pursuitz & fait de eaux come de felouns encontre la pees. Et en meisme la mafie soit fait de Keernes q̄nt il vendront en pais et rien pernent contre la voluntie de nully. Et auxsi des gentz q̄ viognent oue ḡnde compagnie des gentz malicieusement a la mesoun dacun saunz estre requis et despendūt et gastent les biens de loiaux gentz en

held, and the other statutes made in England by the King and his council be read and examined before the King's council between this and the next parliament, and there published, and that the points which are applicable to the people and the peace of the land of Ireland be from thenceforth confirmed and held, saving always the good customs and usages of the land.

And inasmuch as the common people of Ireland are greatly distressed and well nigh destroyed, and the lands of Holy Church and of the people are wasted and destroyed by divers evildoers, in manner following, that is to say, that all manner of men send their people, horses, dogs and birds, to lodge in the houses of honest folk, religious [communities] and others against their will, and take and destroy their goods; and others there are also, who are or pretend to be men of birth, and they collect to themselves a great company of hobelers, idle men and other evil persons against the peace, and other men on foot, who go from town to town, from man to man, demanding presents of money, corn and other kinds of victuals, and if one gives them not at their will, they threaten people with loss of life and limb, and further, they take the goods of honest people, by way of pledge, and hold them until they have their demand. Wherefore it is provided agreed and assented, that when such class of evildoers come into the country, hue and cry be raised against them, at which all the people rise and pursue them, and apprehend them, if they will give themselves up, and that they be immediately committed to the King's prison, and there remain until right be done of them, as those who are against the King's peace, and that their goods, horses dogs and birds be forfeited to the King, or to the lord of the liberty or to the baron who has cognisance of mainour, where such trespasses are committed. And if they will not give themselves up, that they be pursued, and it be done to them as to felons against the peace. And in the same way it be done to kernes, when they come into the country and take anything against the will of any. And also as regards those who come of malice with a great company of men to the house of any without being

CHAP. III.
Against those
who commit
waste.

Hue and cry
to be raised
against roving
bands, who
demand enter-
tainment.

Penalty on
them.

abessauntz & destruyauntz le poeple. Defendu [est q]¹ nul desormes le face, et quy le fra soit fait de luy come des felouns soutz ditz. Et [en me]¹me la mafle soit fait en fraunchises de ceaux q trepassent en les fraunchises et [en ba]¹ronnyes q ount conissaunces de meynoeure. Et si tiels meffesours se fuent e ne [se]¹ vuillent mye iusticer a la pees le Rey les seignurs des fraunchises & lour seneschaux les facent prendre & maunder a la p'sone le Rey si les trespass soient faitz en le Gildable. Et si en fraunchises soient faitz, facent les seignurs e lour Seneschaux mys par eaux si come est auant dit.

Capm. iiiij.

Et pur ceo q le cōmun poeple est mult grene p vdyues gens & autres q portent rentes de diuerses gentz de la terre pur estre de lour auowerye & en lour proteccions par lour tres patentnes et par taunt sount enbauditz de meffere, et charger veysins & le pople par quey hōme ne poet lour biens enioyer lour dreit pursure ne defendre pur doute de tel manierre dauowerye; Acorde est q nul ne face proteccion desormes si le Rey noun et seignur de fraunchise. Et purueu est q le viescount enquierge de Counte en Counte qux sunt ceaux portours de tiels manierres de rentes fesours & receyuours de tiels proteccions & les preaignent, et sil seient atteyntez devaunt Justices assignes ou la chef Justice, eyent la p'sone dun an en chasteiement de eaux et des autres. Et les justices assignetz ou la chef Justice facent dreit a tous ceaux q de eaux se vodrount pleýndre. Et q nul graunt seignur ne autre preygne vyures vytailles ne autres chateaux de nul cleric ne de nul lay ne de lour tenauns ou autres contre lour voluntie, et quy le fra *et quy le fra*² et de ceo seyt atteynt soit puny solomc la quantite du trespass.³ Et q nul viescounte ministre ne autre de la terre nie affoerent nul amerciement de nul y si noun par lour perres a ceo metz. Et qui le fra & de ceo seit atteynt rende a la partie ses damages en double et soit afacie greuousemēt.

¹ Obliterated.

² Words repeated in MS.
³ From this to the end of the paragraph appears to have been scored out in ink, and the scoring afterwards scraped out.

bidden, and spend and waste the goods of loyal men, in abusing and destroying the people ; it is forbidden that any henceforth do this, and whoever shall do it, that it be done to him as to the felons aforesaid. And in the same way, that it be done in liberties to those who commit trespass in the liberties and baronies, which have cognisance of mainour. And if such evildoers flee and will not submit to the King's peace, that the lords of the liberties and their seneschals cause them to be apprehended and committed to the King's prison, if the trespass be committed in geldable land ; and if in liberties, that the lords and their seneschals appointed by them do as aforesaid.

And whereas the common people are much troubled by idle men and others who bear rents of divers people of the land, for being of their avowry and protection by their letters patent, and who thereby are emboldened in evil doing and burdening their neighbours and the people, on account of which none can enjoy their goods, prosecute or defend their rights for fear of such kind of patronage ; it is agreed that none henceforth grant protection, except the King and the lord of the liberty. And it is provided that the sheriff enquire, from county court to county court, who they are that bear such kind of rents, the makers and receivers of such protections, and that they apprehend them, and if they be convicted before the justices assigned or the Chief Justiciar, that they be imprisoned for a year, as a punishment to them and others. And that the Justices assigned or the Chief Justiciar do right to all those who will complain of them. And that no great lord or other person take provisions, victuals or other goods, of any clerk or layman or of their tenants or others against their will, and whoso will do it and is of this convicted, that he be punished according to the amount of the trespass. And that no sheriff, officer or other of the land assess any amercement on any, except by their peers for this purpose appointed ; and whoso will do it and is of this convicted, pay to the party his damages two-fold and be heavily fined.

CHAP. IV.

None to grant protection, save the King and lords of liberties.

No great lord to take victuals of any against their will.

Cap^m. v.

Et q̄ en chescun Countee seent justices assignes ceo est asau^r un hōme de Court sage et loial et puissaunt, q̄y oue deaux chiualers du Countee ou altres bones gens couenables a ceo assignetz, deuaunt q̄ux & nuls altres ou deaux de eaux si tous ne puissent entendre, dount celuy de Court seit lun, sauue le poer la Justice Dirlaunde ou autre cause couenable, seient les assises certificacions et atteyns p̄ies & la Gaole delyueretz q̄nt meister serra. Et les dites Justices enquergent a chescun sessyon ou a meýns deaux foitz par an, coment les viescountes et southviescountes seriauntz et soutzseriauntz eyent fait lour offices et la pees garde sur les articles susdites. Et q̄ meisme ceaux Justices enquergent des viescounts southviescountes et lour clerz seriauntz et lour soutzministres coment il se portent en lour offices et facent dreit de eaux et oyent & p̄minent les pleintes de chescuny q̄ de ceaux pleyn dreit se vodra. Et si les treis ne pount entendre deaux de eaux le facent. Et q̄ nul hōme eyt cōmission de Justicerie saunz le conseil le Rey, ceo est a sauoir la chef Justice, Chauncelier, Thresorier, Justices du Baunk et Barouns del Eschekier. Et ordeynē est q̄ ceaux q̄ deuyent venir a hu & crye et ne venont poýnt seient deuaunt les Justices assignetz reyns a suyte de partie ou a p̄sentement de viescounte a la suyte le Rey, sil seent atteyntz e rendent a la partie greue ses damages en double.

Cap^m. vj.

[Et q̄ la]¹ chief Justice a ses venues par pais q̄nt luy plerra enquierge coment [les min]¹istres del Eschekier et du Baunk Justices assignes et altres ministres & lour . . . portent en lour office et ceaux quyl trouera en defaute les face punir solomc [son disc]²recion. Et si nul ministre seit atteynt du trespass tochaunt son office a suyte [la par]³tie, eyt la partie recourir de ses damages vs lui, et ialemeýns seyt puny [p le]³ Rey solomc la manierre du trespass.

¹ Obliterated.² Torn.

And that in each county justices be assigned, that is to CHAP. V.
 may, a man of court, wise, and lawful and powerful, who, A justice,
 with two knights of the county or other good men suitable, with two
 for this purpose assigned, before whom and no others, or two of knights, in
 them, if all cannot hear [the cases] (of whom the man of court each county,
 to be one), saving the authority of the Justiciar of Ireland to hold
 or other fitting cause, shall be held the assizes, certifications assizes, gaol
 and attaunders, and the gaol be delivered, when there shall be delivery, &c.
 occasion. And the said justices shall enquire at each session, The justices
 or at least twice a year, how the sheriffs and sub-sheriffs, to enquire as
 serjeants and under serjeants, have performed their offices, to per-
 and preserved the peace upon the articles aforesaid. And by the
 that the same justices enquire of the sheriffs, sub-sheriffs formance of
 and their clerks, serjeants and their under officers, how their duties
 they behave in their offices, and do right of them, and
 hear and determine the complaints of any who wish
 to complain of them, and if the three cannot hear [the
 cases], that two of them do it. And that no one have a
 commission of the justiceship, without the King's council, that
 is to say, the Chief Justiciar, chancellor, treasurer, justices of
 the Bench, and the barons of the Exchequer. And it is ordained
 that those who ought to come to hue and cry, and come not,
 be arraigned before the assigned justices at suit of the party,
 or on the presentment of the sheriff, at suit of the King, and
 if they be convicted, pay to the injured party his damages
 twofold.

[And that] the Chief Justiciar on his journeys through the CHAP. VI.
 country, when it shall please him, enquire how the officers of Chief
 the Exchequer and of the Bench, the justices assigned, and Justiciar in
 other officers and their [deputies] behave in their offices, and his journeys to
 those whom he shall find to be at fault, he cause to be punished, enquire as to
 according to his discretion. And if any officer be convicted of the officers of
 any offence touching his office, at suit of [a party], that the Exchequer
 party have recovery of his damages against him, and further,
 that he be punished by the King according to the nature
 of the offence.

Capm. viij.

[Et q̄ ce]l aux q̄ alienent lour terre en voluntie de aler en gerre seit fait de eaux solom[oe]l q̄ est contenuz en les ordenaunces faites a² de Kilkenny³. Et quil eyt parlement chescun an .¹ foits a meýns en quel lieu quyl semble a la Justice & au conseil q̄ meuz sait a faire, [+] q̄ tous les ḡns seignurs, Prelatz & autres y viegnent al pil q̄ apent.

Capm. viij.

Et q̄ nul plee seit plede en Leschekier fors q̄ ceaux pleez q̄ touchent le Rey, Ministres [de]l Eschekier de la Goule Daugust taunt q̄ a la saint Michiel, et de somer dymenge en Quarreme taunt qa la Cluse Paasq.

Capm. ix.

Et q̄ vne mesure et un peýs seit par toto Irlaunde ceo est a sauoir furment & d'autre blie, la quartor de furment de Lundres de viij pecc̄, desquz les vij rees & le vtyme coumble, et des aueýnes xiiij pecc̄ coumbletz. Et les busseaux galouns de vyn & de Ceruoise et les autres mesures seent accordauntz al Estandard le Rey par toute Irlaunde.

Capm. x.

Et q̄ nul viescounte lesse desore par meynpise nul p'sone sil ne soit meynpernable p ley saunz especial maundement de la chef Justice, et quý altrement le fait seyt reýnt a la voluntie le Rey.

Capm. xi.

Et si nul face Roberie ou autres felonies en les Croces q̄ les Seneschaux des ffranchises q̄ oint retourn des brefs viegnent en eyde de þndre les felouns a la requeste des seign's de Croces & des seriauns le Rey des dites Croces sur la greue forfeture le Rey ausi souent come par eaux serrount requis.

Capm. xij.

Et chescun seneschal de fraunchise q̄ ad retourn des Brefs seit entendaunt a autre pur la pees meýntenir et de prendre les felouns demorauns en lour baillie p' felunie faite en altry franchise et deliurer les ditz felouns al Seneschal de la ffranchise ou il sount enditez. Et q̄ chescun viescounte le Rey seit entendaunt a autry maundement de þndre et de receuir les felouns le Rey aillours enditez et de eaux sauvement garder taunt q̄ il seyent delyures p laÿ de terre.

¹ Torn.² Interlined.³ 3 Ed. II. c. 6 p. 270.)

[And that] in the case of those who alienate their land through a desire to go to war, it be done to them in accordance with what is contained in the ordinances made at Kilkenny. And that there be a parliament each year times at least, in the place which seems best to the Justiciar and the council [and] that all the great lords, prelates and others come thither on the penalty that attaches.

And that no plea be pleaded in the Exchequer, save those pleas which touch the King [and] the officers of the Exchequer, from the first of August until St. Michael, and from the last Sunday in Lent until the close of Easter.

And that there be one measure and one weight throughout all Ireland, that is to say, wheat and other grain, [to be measured by] the quarter of wheat of London, of eight pecks, seven of which to be rased, and the eighth heaped ; and of oats fourteen pecks heaped. And that the bushels, gallons of wine and ale, and the other measures be in accordance with the King's standard throughout all Ireland.

And that no sheriff henceforth let any prisoner to mainprise, if he be not mainpernable by law, without the special command of the Chief Justiciar, and whoso does otherwise, that he be punished at the King's will.

And if any commit robbery or other felony in the Crosses, that the seneschals of liberties, who have the returning of writs, come to aid in capturing the felons, on request of the lords of the Crosses, and the King's serjeants in the said Crosses, upon heavy punishment by the King, as often as they shall be requested by them.

And that every seneschal of a liberty, who has the returning of writs, be intentive to another, for the maintenance of the peace, and apprehension of felons abiding in their bailiwick, for felony committed in the liberty of another, and for delivering the said felons to the seneschal of the liberty wherein they are indicted. And that every of the King's sheriffs be intentive to the mandate addressed to another, in apprehending and receiving the felons of the King elsewhere indicted, and in safely guarding the same, until they be delivered by the law of the land.

Cap^m. xiiiij.

Par quey vous comandonis q̄ cestes ordenaunces facez lire et puplier en chescune bone ville de ſtre baillie et celes sur la peyne q̄ est done fermement tenir. Doū de soutz ſtre g^{nt} seal Dirlaunde le xv iour de May lan de ſtre Regne susdit.

Cap^m. xiiiij.
(recte xiiij)

Et acorde est q̄ si nule hōme viegne countre cestes ordeinaunces apertement, q̄ meyntenaunt Lordenary du lieu ou ses cōmissaris les facent escomenger saunz de nul y estre chalenge.

Wherefore we command you that you cause these ordinances CHAP. XIII. to be read and published in every good town in your bailiwick, and the same to be strictly observed, under the penalty appointed. Given under our great seal of Ireland the 15th day of May, in the aforesaid year of our reign.

And it is agreed that if any man openly contravene these CHAP. XIII.
(recte XIV.) ordinances, the Ordinary of the place or his commissaries forthwith cause him to be excommunicated, without any Ordinary to
excommuni-
cate offenders. challenge.

14 EDWARD II. A.D. 1321.

[DE LEGE ANGLICANA DE VITA ET MEMBRIS IN HIBERNIA UTENDA.]¹OF THE USE IN IRELAND OF THE ENGLISH LAW CONCERNING LIFE AND
LIMBS.

Irish admitted
to English law
to use same
concerning life
and limbs.

Saving lords'
right in goods
of betaghs.

The King to his Justiciar of Ireland, who now is and who for the time shall be, or to his lieutenant, greeting. Know ye that whereas in the time of the lord Edward of famous memory, formerly King of England, our father, and afterwards in our time, it has been frequently shewn to our said father and to us, with heavy complaint, that because the Irish admitted to English law in the said land did not previously enjoy the said law concerning life and limbs, our peace in the said regions was disturbed in many ways, and evil-doers there not being punished, were emboldened to commit divers felonies, to the grievous injury of our people of the said regions; and [whereas] at length in our Parliament summoned at Westminster in the octave of St. Michael last past, prayer was made to us that we should cause a remedy to be applied hereupon, we therefore, wishing to provide for the peace and quietness of our said people, will that all the Irish previously admitted to English law and those who hereafter shall happen to be admitted thereto, do use henceforth the said law concerning life and limbs, and by these presents we command that the Irish so admitted and to be admitted to the said law, as well within liberties as without, be treated according to the custom of the English, always saving in all things the right of us and of other lords, in the goods and chattels of the *nativi* who are commonly called in those regions *betaghes*, who may happen to be admitted to the said law, and of their issue, as regards the possession of those goods and chattels. In witness whereof, &c. Witness the King at Westminster the twentieth day of January. (To last for five years).

By the King himself and by petition of the Council.

¹ The text taken from Patent Roll (Eng.), 14 Ed. II., pt. 2, m. 21, is printed in Prynne's *Antimadversions* (1669), p. 263.

17 EDWARD II. A.D. 1323.

[ORDINATIO DE STATU TERRÆ HIBERNIE FACTA.]¹

ORDINANCE MADE FOR THE STATE OF THE LAND OF IRELAND.

Edward by the grace of God, King of England, lord of Ireland, duke of Aquitaine, to all those who shall see or hear these present letters, greeting. Know ye that for the amendment of the government of our land of Ireland, for the greater peace and tranquillity of our people in that land, at Nottingham in the octaves of St. Martin, in the seventeenth year of our reign, by assent of our Council there, the points below written were assented to and agreed on, to the end that they may be held and firmly kept in the same land.

I. Firstly, that the Justiciar of Ireland or any other our officer in that land, so long as they be in our offices there, shall not purchase land or tenement within the limits or bounds of their jurisdictions, without our special leave; and if any do the contrary, that which he shall have purchased shall accrue and be forfeited to us and to our heirs, saving to the chief lords of the fee the services due and accustomed, of the lands and tenements so accruing and forfeited to us.

II. Also, that our Justiciar of Ireland or any of our other officers there, by pretext of their offices, shall not take victuals or other things of any person against his will, except in case of necessity, for the common profit of the land; and then that he do it by the advice and assent of the greater part of our Council in those parts, and by writ of our Chancery of Ireland, and in case that we or our heirs shall so command, by writ of our Chancery of England or by our other letters.

III. Also, that our said Justiciar or any of our other officers there, by pretext of their office, do not arrest ships or other goods of strangers, or of our own people, but that all merchants and others may carry corn and other victuals and merchandises out of our land of Ireland into our realm of England and into our land of Wales, except in the case aforesaid, paying the customs due and usual; provided always that they make sufficient surety that they will not go unto or have dealings with our enemies of Scotland or with our other enemies, if any there

Justiciar and
officers in Ire-
land not to
purchase land
within their
jurisdictions.

Not to take
victuals
against the will
of any, except
of necessity.

Not to arrest
ships or goods
of strangers, &c.

Merchants to
have liberty to
carry corn, &c.
to England;

but to have no
dealings with
Sooths or other
enemies.

¹ Text taken from Statute Roll (Engl.), 17 Edward II., m. 30, is printed in *Statutes of the Realm*, I, p. 193, and in Rymer's *Fœdera*, Vol. II., part I, pp. 538-9.

be ; and if any Justiciar or other officer do the contrary of the things aforesaid and thereof be attainted, that he make satisfaction to the plaintiff in double damages, and nevertheless be heavily punished on our behalf.

Fee for seal,
&c., on bills of
grace.

IV. Also, that for the seal of our Justiciar of Ireland for every bill of grace, four pence, and for the writing of every bill two pence be henceforth taken and paid, and no more.

Fee of Marshal
of a prison.

V. Also, from him who is committed to prison by authority of our Court, when he shall be delivered, that four pence be taken for the fee of the Marshal, and no more. And if it happen that anyone contravene the things aforesaid and thereof be attainted at our suit or at the suit of the party, that he make satisfaction to the party and be heavily punished on our behalf.

Pardon for
homicide or
felony not to be
made without
the King's
special man-
date.

VI. Also, that no pardon of the suit of our peace for homicide or for other felony or protection for him who shall be arraigned or indicted of such felonies, be made or granted henceforth by our Justiciar of Ireland, nor sealed with our seal there, without special mandate of ourself under any of our seals of England ; saving that our said Justiciar and our Chancellor of Ireland, with the advice of our Council of Ireland, may grant pardon of felonies committed before the date of these presents, according as they see it ought to be done for our honour and profit, and the peace and tranquillity of our people there, and according to the mandate which they have from us. Provided always that for the felonies which they shall commit henceforth, no pardon be made or protection be granted without special mandate of ourself, as is aforesaid.

Sealing
original writs.

VII. Also, that no original writ pleadable at the common law, be received by any of our officers without a writ, sealed under our great seal of Ireland, nor any process be made by other writ, save that by our seal of our Exchequer of Ireland ; of things which concern that place, that it be done as by reason it ought to be, and according to what has heretofore been accustomed.

Adjournment
of assise of
Novel Disseisin.

VIII. Also, that our Justiciar of the said land by his writs or letters do not delay or adjourn an assise of *Novel Disseisin* before him, except in the county where he shall be present, and while he tarries in the same county.

In witness whereof we have caused these our letters to be made patent. Given at Nottingham the 24th day of November, in the 17th year of our reign.

PATENT ROLL (ENGL.), 17 EDWARD II., PT. I, M. 3.

The King to his Chancellor of Ireland for the time being, greeting. Publication in the land of Ireland of the articles contained in the said ordinance. Certain articles concerning us and the state of our land of Ireland and of our officers there, by us ordained with the advice of our Council, we send to you under our seal in patent form, commanding that you cause those articles to be enrolled in the rolls of our said Chancery, and the same to be exemplified under our seal of Ireland in patent form, and to be sent to our Justiciar of our said land, and to our Justices of the Bench at Dublin, and to our Treasurer and Barons of the Exchequer at Dublin, and to our other officers in the said land, where you shall see fit; commanding them and on our behalf strictly enjoining, that they cause all and singular the said articles to be published in their Places and jurisdictions, and as far as to them appertains, to be observed, according to the form of the said articles. And that the said Justices, Treasurer, and Barons likewise cause the same articles to be enrolled in their rolls. We will further and enjoin you, and command, that at the prayer and suit of any person, complaining of an attempt or attempts contrary to the said articles or to any one of them, as often as you shall be required, under our said seal of Ireland, as well for us as for such complainants, you make due and speedy remedy, so that you cannot be blamed for any default, indifference, or neglect. In witness, &c. Witness the King at Nottingham the 24th day of November.

17 EDWARD II. A.D. 1324.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 33.]

[M]EMOR] and qd q^uarto die Maii Anno Regni Reg^e Edwardi fit R. E. decimo septimo dñs [R.] mandauit Cancellari^r suo Hibⁿ quedam statuta apud Lincoln & Ebor^r edita & ea in eadē [pu]blicari & obseruari p̄cepit p̄ bre quod sequit^r in h̄ verba.

[E]dwardus dei grā Rex Ang^t Dñs Hibⁿ & Dux Aquit^t Cancellari^r suo Hibⁿ sal^tim. [q]uedam statuta p̄ nos de assensu Prelato^r Comitū Baro^r & cōitatis regni n̄ri nup[er] apud Lincoln & quedam alia statuta postmodū apud Ebor^r fca que in d̄ca Fra n̄ra Hibⁿ ad cōm vtilitatem populi n̄ri eiusdem Fra obseruari volum^r vobis mittim^r sub sigillo n̄ro mandantes qd statuta illa in Cancellari^r n̄ra custodiri ac in rotulis eiusdem Cancellari^r irrōtulari & sub sigillo n̄ro quo vtim^r in Hibⁿ in forma patenti exemplificari, & ad singlas placeas n̄ras in Fra p̄dca & singulos Comitat^r eiusdem Fra mitti faciat p̄ b̄ria n̄ra sub d̄co sigillo minist^r n̄ris placeaz illaz & Vicecomitib^r d̄co^r Comitatu^r mandantes qd statuta illa corā i^rpis publicari & ea in omib^r & singulis suis articulis q^untū ad eo^r singulos p̄tinet firmi^r fac obseruari. T. meiso apud Notingh^m xx di^r Novemb^r Anno r̄ n̄ decimo septimo.

p̄ ipm Regem & consiliū.

17 EDWARD II. A.D. 1324.

BE it remembered that on the fourth day of May in the 17th year of the reign of King Edward, son of King Edward, the lord the King sent to his Chancellor of Ireland certain statutes made at Lincoln and York, and ordered them to be published and observed in the same, by writ which follows in these words :

Edward by the grace of God, King of England, lord of Ireland, and Duke of Aquitaine, to his Chancellor of Ireland, greeting. We send you under our seal, certain statutes lately made by us, with the assent of the prelates, earls, barons, and commonalty of our Kingdom at Lincoln, and certain other statutes afterwards made at York, which we will to be observed in our said land of Ireland, for the common profit of our people of the said land, commanding that these statutes be preserved in our Chancery, and be enrolled in the rolls of the said Chancery, and be exemplified under our seal which we use in Ireland, in patent form, and that you cause them to be sent to our several places in the said land, and the several counties of the said land, by our writs under our said seal, to our officers of these places and the sheriffs of the said counties, commanding that these statutes be published before them, and that they cause them to be observed in all and singular their articles, as far as to each of them appertains. Witness myself at Nottingham the 20th day of November, in the 17th year of our reign.

Writ commanding the Statutes of Lincoln and York to be observed in Ireland.

By the King himself and the Council.

17 EDWARD II. A.D. 1324.

[RED BOOK OF THE EXCHEQUER IN IRELAND, VOL. 33.]
Statuta apud Lincoln.

PUR ceo q̄ ñre seignr le Roi Edward fiz au Roi Edward a son plement a Nicole a la q'ñzeme de la saint Hiller lan de son regne neuisme p demonstraunce des Prelatz Countes Barons & autr's ḡntz du Roiaume somonus a cel plement p greuouses pleyntes del poeple entendi ḡntz damages estre faitz a luy & trop griefe opp̄sions & desheritaunces a son poeple p la reson q̄ meintz suffisauncz viscountes gardeyns des Hundretz ount este auant ces heures & vncore sount en dit Roikume ñre seignr le Roi voillaunt escheure teux maux opp̄sions & desheritaunces del assent dez platz Contes & Barons & les ḡntz auantditz en son dit plement p'uoit & establi q̄ viscontes desoremes soient mis p le Chaunceller le Tresorer & les Barons del Escheker & p les Justices et en absence del Chaunceller le Tresorer Barons & Justices q̄ nul ne soit visconte sil neit p're soeffisanment en mesme le Countee ou il s̄ra viscont pur respondre au Roi & au poeple & q̄ nul q̄ seit senechalt ou Ballif de ḡnt seignr soit fait visconte sil ne oste de autre s̄uise mes tiel q̄ soit q̄ de tutt puyz entendre al office de visconte faire p̄ le Roi ou p̄ le poeple & q̄ Chaunceller Tresorer Barons & Justices facent & mettent en la mafie auantdit saunz autr̄ regarde auer. En mesme la mafie est acorde & establi q̄ les Hundretz quel qil soient au Roi ou as autres soient gardez p gentz couenables eanz p're suffisance en mesme le Hundred ou en le Countee ou le Hundred s̄ra, & si ascuns viscontes ou Hundreders soient a ceo meins suffisans soient tantost remuez & autres couenables mys en la fourme auantdit & q̄ les Hundredz soient leasez & bailletz a teux gentz a renable feer issint qil ne coueigne pas qil facent extorsion sur le poeple p̄ trop vtrageouse ferme & q̄ nul visconte ne Hundreder ne baillé a autre son office a garder a ferme ne en autr̄ mafie & q̄ les execucions des Brefs q̄ vendront as viscontes soient faites p les Hundreders conuz & iures en plein Countee & nemye p autr's sil ne soit en[ḡnt]¹ defaute ou notoire destourbance des Hundreders & adonq̄s soient faites p autr's [couena]²bles & iuretz issint q̄ le poeple puisse sauoir a q̄ seure tels execucions sauue tous[iours]² retorn des brefs a ceux q̄ les ount & auer deuient.

¹ Obliterated.² Torn.

STATUTES AT LINCOLN.

(Enacted in England, 9 EDWARD II., A.D. 1316.)

FORASMUCH as our lord King Edward, son to King Edward, at his parliament at Lincoln in the quinzaine of St. Hilary, in the ninth year of his reign, on the showing of the Prelates, Earls, Barons, and other magnates of the realm, summoned to that parliament, on the grievous complaints of the people, perceived great damage to be done to him, and very grievous oppressions and disherisons to his people, by reason that insufficient sheriffs [and] wardens of hundreds have heretofore been, and yet are, in the said realm; our lord the King, desiring to prevent such evil oppressions and disherisons, by the assent of the Prelates, Earls, and Barons, and the magnates aforesaid, provided and established in his said parliament, that sheriffs from henceforth be appointed by the Chancellor, the Treasurer, and the Barons of the Exchequer, and by the Justices; and in the absence of the Chancellor, by the Treasurer, Barons, and Justices: and that none be sheriff, if he have not sufficient land in the same county where he shall be sheriff, to answer to the King and the people; and that no one who is seneschal or bailiff to a great lord be made sheriff, except he be removed from the other service, but that he be such a one as can wholly attend to the execution of the office of sheriff, to do for the King or for the people; and that the Chancellor, Treasurer, Barons, and Justices do and assign in manner aforesaid, without having any other regard. And in like manner it is agreed and established, that the hundreds whether they belong to the King or to others, be guarded by suitable persons, who have sufficient lands within the same hundred, or in the county where the hundred shall be; and if any sheriffs or hundreders be insufficient therefor, that they be presently removed, and other suitable persons appointed in form aforesaid, and that the hundreds be leased and committed to such persons at a reasonable rent, so that they be under no necessity to practice extortion on the people, by reason of too excessive a rent. And that no sheriff or hundreder lease his office to any other, to hold in farm or otherwise; and that the executions of writs that shall come to the sheriffs be made by the hundreders recognised and sworn in full county court, and not by others, unless it be in case of a serious default or notorious disturbance of the hundreders; and then that they be made by other suitable persons and sworn, so that the people may know to whom to sue such executions; saving always the return of writs to those that have, or ought to have them.

Sheriffs to be appointed in the Exchequer.

Who shall be sheriff, and of what estate they shall be

Who shall have the guarding of hundreds.

Hundreds may be farmed, but not the office.

Execution of writs by the hundreders.

17 EDWARD II. A.D. 1324.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 34.]
Statuta apud Ebor̄ edita.

PUR ceo q̄ plusurs gentz du Roialme Dengleſtre & de la
 Pre Dirlaunde ount einz ces [hou]res souentefoitz
 suffert meschiefs & desheritesons p encheson de ceo q̄ en aucun
 cas ou defaute de lei fust remedie ne fust ordeine & aussint
 pur ceo q̄ ascuns poyntz des estatus auant faitz auoient
 mestier desclarissement, Nostre seignr le Roi Edward fuitz au
 Roi Edward desiraunt plener droit estre fait a son poeple a
 son plement a Eſwyk as trois simoignes de saint Michel Lan de
 son regne duzisme p assent des Prelatz, Countes, Barons & la
 Cōaute de son roialme illoq̄s assemblez fist les establissemetz
 & les estatus q̄ sensuient les queux il voet qe en le dit roialme
 & en la dite Pre soient fermement tenuz. En p̄mes p̄ diſſes
 meschiefs qe ount este de ceo q̄ les tenantz en assises de nouele
 disseisine ne pocint auant ces hours fere attornez, acorde est
 q̄ les tenantz en brefs de nouele disseisine desore puissent faire
 attornez. Et nentent mie le Roi p tant q̄ les tenantz & les
 defendantz en assises de nouele disseisine ne puissent pleder
 p Baillif come auant soleient sil voillent. Et ensement
 acorde est qe qant chartre quiteclamance acquitance ou autre
 escript soit dedit en la Court le Roi en queux soient testmoignes
 nomez soit p̄ces fait de fere venir les testmoignes come
 auant ad este vſeez issaint q̄ sil ne veignent a la graunt
 destresce sur eux retournez ou qe ret'nez soit, qil ne ount rien
 ou ne sount trouez q̄ adonk ne soit leſſe la prise de lenqueste
 p absence des tieux testmoignes. Et si les testmoignes veignent
 p la ḡnt destresce & lenqueste p ascune enchesoun remeigne
 a prendre soit mesmes le iour done a ceux testmoignes qe
 issint vendront qeste done a lenqueste p̄ndre. A queu iour
 si tieux testmoignes ne veignent, soient lour issues s̄r eux
 primes retournez forfaitz & la prise de lenqueste ne remaigne
 p lour absence. Et pur absence des testmoigns qe sount des
 ffrauchises ou bref le Roi original ne court mie ne soit la
 prise de tiel enqueste leſſee. Et come il soit contenu en
 leſtatut fait a Westm̄ le secund iour de Aueril lan du regne

STATUTES MADE AT YORK.

(Enacted in England, 12 EDWARD II., A.D. 1318.)

FORASMUCH as many people of the realm of England and of the land of Ireland have heretofore often times suffered mischiefs and disherisons, by reason that in some cases where the law failed, no remedy was ordained; and also forasmuch as some points of the statutes heretofore made had need of explanation; our lord King Edward, son to King Edward, desiring that full right be done to his people, in his parliament at York, in three weeks of Saint Michael, the twelfth year of his reign, by the assent of the Prelates, Earls, Barons, and the commonalty of his realm there assembled, ordained the acts and the statutes here following, the which he wills to be firmly observed in the said realm and in the said land.

I. First, for divers mischiefs that have arisen, because tenants in assises of *Novel Disseisin* could not heretofore make attorneys; it is agreed that the tenants in writs of *Novel Disseisin* from henceforth may make attorneys. Yet the King does not intend hereby that the tenants and defendants in assises of *Novel Disseisin* be not able to plead by a bailiff, if they will, as they have used to do heretofore.

II. Also it is agreed, that when a charter, quit-claim, acquittance, or other writing is denied in the King's Court, wherein witnesses are named, process be made to cause the witnesses to come as before has been used; so that if they come not at the great distress on them returned, or that it be returned that they have nothing, or that they cannot be found, that then the taking of the inquest be not delayed by the absence of such witnesses. And if the witnesses come by the great distress, and the inquest for some cause remains to be taken, that the same day be given to those witnesses who shall so come, as is given for the taking of the inquest. At which day, if such witnesses come not, that their issues that were first returned upon them be forfeited; and the taking of the inquest be not deferred because of their absence. And by reason of the absence of witnesses that belong to franchises, where the King's original writ does not run, that the taking of such inquest be not delayed.

III. And whereas it is contained in the statute made at Westminster the second day of April, in the 27th year of the reign of Edward, father

Inquests determinable in the Benchers may be taken in the country.

Edward pierre nre seignr le Roi qe ore est vint septimo qe les enquêtes & les conissaunces deuant Justices del vn baunck & de l'autre a iugez fuissent prises deuant ascum des Justices des places associez a luy vn Chiualier du Countee ou les enquêtes seroient a prendre si les enquêtes ne fuissent de g^{nt} examinement & qe en tiels enquêtes þndre fust fait sicom les Justices verroient q fust a fere au pst du roialme le quel estatut ad bosogné destre mous [declare].¹ Acorde est qe les enquêtes & Jureetz qe sount & srount aprendre en pleez de l're[qe ne so]lnt mye de g^{nt} examinement soient prises en pays deuant vne Justice de la place [ou le p]leee est associez a luy vn pdhōme du pais chiualier ou autre issint qe ðtein iour [seit d]^lone en Banck & ðtein iour & leu en pays en þsence des pties si le demaundant le pris. [Et]^l auxi les enquêtes & Jurets en plee de l're q demaundent g^{nt} examinement soient [pris]^les en pais en la fourme susdite deuant deux Justices du Baunk & eit la Justice ou [les]^l Justices poer a recorder noundsutes & defautes en pays as iours & lieus q sront assignez come desus est dit. Et ceo qil aþont fait en les choses susdites, soit reporte en Baunk au iour done & illoq^s enroule & sur ceo iugement rendu. Et nentent mie le Roi qes les dites enquêtes & Jurets ne puissent estre prises en Bank si oles viengent ne qe cest estatut sestent a graunt assisez. Et auxi vne Justice del vn Baunk & de l'autre associez a luy vn pdhōme du pais chiualier ou autre a la requeste du pleintif preigne les enquêtes des pleez pledeez & a pleder qe sount meuez p attachmentz & destresces. Et eit poer de recorder les noundsutes come desus est dit, & þndre les enquêtes p defautes illoques faites. Et qant a les assises de drein þsent & les enquêtes s^r bref de quare impedit prendre, soit fait come il est contenuz en le secound estatut de Westm. Et eit la Justice poer de recorder noundsutes & defautes en pais & s^r ceo iugement doner come en Baunk & seit reporte en Baunk ceo qil aþa fait & illoq^s soit enroule. Et si issint aueigne qe le Justices ou la Justice qe srount ou sra assigne de þndre tielles enquêtes en pais ne veignent pas ou ne veigne en pais au iour

¹ Torn.

of our lord the King that now is, that inquests and recognitions adjudged before Justices of the one Bench and of the other, for judgment, should be taken before any of the Justices of the Places, there being associated with him a knight of the county where the inquests should happen to be taken, if the inquests should not demand great examination; and that in taking such inquests the Justices do as they see most expedient for the profit of the realm; which statute has need of being more fully declared. It is agreed that inquests and juries that are and shall have to be taken in pleas of land, that require not great examination, be taken in the country before a Justice of the Place where the plea is, there being associated with him a substantial man of the country, knight or other, so that a certain day be given in the Bench, and a certain day and place in the country, in the presence of the parties, if the defendant request it.

And also that the inquests and juries, in pleas of land that require great examination, be taken in the country, in the manner aforesaid, before two Justices of the Bench.

IV. And that the Justice or Justices have power to record non-suits and defaults in the country, at the days and places which shall be assigned, as before is said. And what they shall have done in the things above-mentioned, be reported in the Bench on the appointed day, and there inrolled, and thereupon judgment be given. And the King does not intend that the said inquests and juries should not be taken in the Bench, if they come, nor that this statute should extend to great assises. And also that a Justice of the one Bench and of the other, having associated with him a substantial man of the country, knight or other, at the request of the plaintiff, take inquests of pleas pleaded and to be pleaded, that are moved by attachments and distresses; and have power to record nonsuits as above is said, and to take the inquests by defaults there made. And as to taking assises of *Darrein Presentment* and the inquests upon writ of *Quare Impedit*, that it be done as is contained in the Statute of Westminister the second. And that the Justices have power to record nonsuits and defaults in the country, and to give judgment thereupon, as in the Bench, and what they shall have done be reported in the Bench, and there be inrolled. And if it happen, that the Justices or Justice that shall be assigned to take such inquests in the country, come not into the country at the day assigned, yet that the parties and the persons of the inquests keep their day in the Bench.

Justices in
the country
may record
non-suits, de-
faults, &c.

Assises of Dar-
rein Present-
ment, &c.

assigne, iadumeyns les pties & les gentz de lenqueste gardent lour iour en Baunk. Et p^r ceo q^u souenere pleinte ad este faite en la Court le Roi q^u les returns q^u Baillifs des ffaunchises q^u ount plein return des Brefs le Roi ount liiez as viscountes apres ount este chaungez & en autre mane retournez en la Court le Roi a g^{ant} damage des ascuns des pties & en deleiaunce de droittura. Acorde est q^u des ret^rnez q^u desore se ferrount as viscountes p Baillifs des tieles ffaunchises, soit fait endent^re plenere entre le Baillif de la ffaanchise nome p son ppre noune & le viscount nome p son ppre nomz. Et si nul viscounte chaunge return issint liiez a lui p endent^re & de ceo soit atteint a la suite le seign^r de la ffaanchise dount il afa tiel return receu si le seign^r afa damage encoru ou sa ffaanchise soit enblemie a la suite de la ptie q^u afa damage encoru p cele encheson, soit puni deus le Roi come de faus return & rende au seign^r & a la ptie damage a double. Aussint est acorde q^u desore viscontes & autres Baillifs q^u receuient brefs le Roi Retournables en sa Court mettent [leur]¹ ppres nounes od lour returns issint q^u la Court puisse sauoir a q^u fndre des tieux returns si mestier soit. Et nul visconte ou autre baillif en ses returns entrelesse son noun, soit greuement amerciez al oeps le Roi. Ensement p^r cōmun pfit du poeple acorde est q^u nul Ministre en Cite ne en Burg^h q^u p reson de [son]¹ office dait garder assises des vins & de vitailles tant come il f^{ra} entend[daunt]¹ a tiel office, ne Marchaunt des vins ne des vitalles en gros ne en retaile. [Et si]² nul face & de ceo attaint la Marchaundie dount il f^{ra} attaint soit forfaite [au Roi]² & la tierce ptie & la tierce ptie³ soit liiez come de doun le Roi a celui a q^u sui[te le tres]² passour f^{ra} issint attaint. Et en ceu cas soit rescou celuy q^u voudra suire p [tieu]² chose atteindre. Et Chaunceller, Tresorer, Barons del Eschequer Justices [del un]² Baunk & de lautre & Justices assignez as assises fndre receuient tieux plaint[es]³ p bref & sauns bref & les pminent & pfacent totes les choses contenuz en [cest]² article en la fourme auantdite. Et iadumeyns puit le Roi assigner ses Justices a ceste chose pfaire en Citez & en Bourghes quant & la ou il plerra &c.

¹ Obliterated.² Torn.³ Words repeated in MS.

V. And whereas frequent complaint has been made in the King's court that the returns, which bailiffs of franchises, that have full return of the King's writs, have delivered to Sheriffs have been afterwards changed, and in other manner, returned into the King's court, to the great damage of some of the parties and in delay of right ; it is agreed that of returns which hereafter shall be made to the Sheriffs by bailiffs of such franchises, full indenture be made between the bailiff of the franchise named by his proper name, and the Sheriff by his proper name. And if any Sheriff change the return so delivered to him by indenture, and be thereof attainted, at the suit of the lord of the franchise, whereout he shall have received such return, if the lord shall have incurred any loss, or his franchise be impaired, at the suit of the party that shall have sustained loss through that cause, that he be punished towards the King for the false return, and yield to the lord and to the party double damages. Also it is agreed, that from henceforth Sheriffs and other bailiffs who receive the King's writs returnable in his court, put their own names to their returns, so that the court may know who are answerable for such returns, if need be. And if any Sheriff or other bailiff leave out his name in his returns, that he be heavily amerced to the King's use.

VI. Also for the common profit of the people, it is agreed, that no officer in city or in burgh, who by reason of his office ought to keep assises of wines and victuals, so long as he shall be employed in such office, traffic in wines or victuals, either in gross or by retail. And if any do so and be thereof attainted, the merchandise whereof he shall be attainted be forfeit to the King, and that the third part thereof be delivered as the King's gift to the party at whose suit the offender shall be so attainted. And in such case, he shall be received who shall be willing to sue to obtain such thing. And that the Chancellor, Treasurer, Barons of the Exchequer, Justices of the one Bench and of the other, and Justices assigned to take assises, receive such plaints by writ, and without writ, and determine them, and perform all things contained in this article in form above-said. And nevertheless the King may assign his Justices to execute this thing in cities and in burghs, when and where he shall please, &c.

Returns in franchises shall be made by indenture between the bailiff and the sheriff.

Sheriffs and bailiffs shall set their names to their returns.

No officer keeping assise of wines and victuals shall traffic therein during office.

17 EDWARD II. A.D. 1324.

[CLOSE ROLL, 18 EDWARD II., *m. 2 f. art. 12.*]

A CORDE est empris e assentu p les β latz Countes Barouns e tot le cōmun poeple en pleyn plement¹ a Dyuelyn al mois de Pask en lan du regne ñre seign^r le Roy Edward fitz au Roy Edward dize septime en β sence de la Justice Chaunceller Tresorer e touz les autres du consail ñre seign^r le Roy en Irlaunde q la cōmune ley les ordynaunces de Dyuelyn oue les bones vsages de la frē soient tenuz e meyntenuz en chescun de lour pointz. E en amendement de dites choses les dites Countes Barouns e les autres g^{unt}z de Lynnage en pleisaunce de dieu saint Esglise ñre seign^r le Roy e du cōmun poeple vnt g^{unte} & empris taunt q au β schein plement q eaux solome lour poer β ndront e ferount prendre les felouns robeours e larouns de lour braunche e sournoun e lour aherdaunce saunz lour β rementz offendre en lu de Marche e touz autres felouns & maufesours notories q β rount trouez & recepbez en lour seign^{ryes} en frē de pees a lour p^{re}es custages e dedenz lour Countes ou ilz puissent les ditz felouns & maufesours trouer e β ndre sauns pil de lour corps ou custages mettre e ceaux q ensuit β rount prises amenerount ou ferount amener a la Court^e ñre seign^r le Roy Justisables salut lestat des seign^s des franchises en resoun. E prient les ditz Countes e g^{unt}z qilz puissent estre assoutz de la sentence done a Kilkenny pour touz trespaces en fourme d[u] saint Esglise du temps passe e q le renoueler de cele sentence soit respite tauntq al β schein plement quele priere p tous les β latz Justice e les autres du consail lour est g^{unte}. En teismoignaunce de queles choses mon^r Richard de Bourk Count Duluester, mon^r Thomas le fitz Johⁿ Count de Kildare, mon^r Johⁿ de Bermyngh^m Count de Loueth, mon^r Morice le

¹ The statutes enacted in this Parliament were confirmed in a later one, held in Kilkenny, 19 Edward II.

17 EDWARD II. A.D. 1324.

IT is agreed, undertaken, and assented to by the prelates, earls, barons and all the common people, in full parliament at Dublin in the month of Easter, in the seventeenth year of the reign of our lord King Edward, son of King Edward, in the presence of the Justiciar, Chancellor, Treasurer, and all the others of the Council of our lord the King in Ireland, that the common law, the ordinances of Dublin, with the good usages of the land, be held and maintained in every of their points. And for amendment of the said matters, the said earls, barons, and the other grandees of lineage, to please God, Holy Church, our lord the King, and the common people, have granted and undertaken that until the next parliament, according to their power, they will take and cause to be taken, the felons, robbers and thieves of their own family and surname, and their adherents, without breaking their oaths, in the territory of the March, and all other felons and notorious evildoers, who shall be found and received in their lordships, in land of peace, at their own charges, and within their counties, where they can find and take the said felons and evildoers, without incurring peril of their bodies or costs, and those who shall afterwards be taken, they shall bring or cause to be brought to the courts of our lord the King, to be amenable to justice, saving in reason the estate of the lords of franchises. And the said earls and grandees pray that they may be absolved from the sentence pronounced at Kilkenny in form of Holy Church, for all trespasses in time past, and that the renewal of that sentence be delayed until the next parliament, which prayer is granted them by all the prelates, the justices, and the others of the Council. In witness whereof, sir Richard de Bourk, earl of Ulster, sir Thomas son of John, earl of Kildare, sir John de Bermyngham, earl of Louth, sir Morice the son of Thomas, sir John de

Common law.
ordinances of
Dublin and
usages of the
land to be
maintained.

Grandees
undertake to
take felons, &c.
of their own
family and
adherents, in
their lordships
and the
marches.

And pray abso-
lution from
sentence pro-
nounced at
Kilkenny.

fitz Thomas, monfr Joh'n de Barry, monfr Joh'n le Poer de Dunoyle, monfr Arnald le Poer, monfr Thomas le Botiller, monfr Richard de Tuyt, monfr Nichot de verdun, monfr Morice de Rochefort, monfr Reymound Lercedekne, monfr Thomas de Dene, monfr Richard le Waleys, monfr Robt fitz Matheu de Cauntetoñ, George de la Roche, Dauy le fitz Alissaundre de la Roche, a la partie de ceste endenture demoraunt deus nre seignr le Roy vnt mis lour seals e a la ptie demoraunt deus les ditz guntz nre seignr le Roy ad mis son seal. Doñ a Dyuelyn le iour e lan auauntitz.

Barry, sir John le Poer of Dun Doyle, sir Arnald le Poer, sir Thomas le Botiller, sir Richard de Tuyt, sir Nicholas de Verdun, sir Morice de Rochefort, sir Reymund the archdeacon, sir Thomas de Dene, sir Richard le Waleys, sir Robert son of Matthew de Caunteton, George de la Roche, Davy the son of Alexander de la Roche, to the part of this indenture remaining with our lord the King have put their seals, and to the part remaining with the said grandees, our lord the King has put his seal. Given at Dublin the day and year aforesaid.

19 EDWARD II. A.D. 1325.

[CLOSE ROLL, 20 EDWARD II., art. 167.]

STATUTUM DE HIBERNIA.

EDWARD par la grace dieu Roi Dingle^{re} Seign^r Dyrlaunde & Ducs Daquaigne as Erceuesq^s Euesq^s Abbes Priours Countes Barouns Justices Viscountes Prouostes Ministres & as touz ses bailif^s & foialx salutz. Come nad gaires as Oicctaues da la Purifica^{on} ñre dame lan de ñre regne tierz a ñre plement somonis & tenuz adunq^s a Kilkenny feussent ascunes ordinaunces & estatuz faitz par lassent de Johⁿ Wogan ñre Justice & les autres de ñre counceil adonq^s en ñre fr^e Dirlaunde & lassent de Erceuesq^s Euesq^s Countes Barouns & les autres de la cõmunalte de ñre dite fr^e Dirlaunde illoeq^s esteaunz. Et au moys de Pasce lan de ñre regne tredzime feusent ensement autres ordinaunces & estatutz a ñre plement adonq^s tenuz a Diuelyn faitz p lassent de Roger de Mortimer ñre Justice & les autres de ñre counceil adonq^s en ñre fr^e Dirlaunde auaundite. Et lassent des Erceuesq^s Euesq^s Countes & Barouns & les autres de la cõmunalte de ñre dite fr^e Dirlaunde adouq^s illoeques esteiauntz al hon^r de dieus & de saint Eglise al p^{re}ist de ñre poeple & meintiegnance de ñre pees de ñre dite fr^e Dirlaunde as touz iours a tenir & a durer. Et al ñre plement tenuz a Dyuelin al mois de Pasche lan de ñre regne dis & septisme p lassent de Johⁿ de Arcy ñre Justice & les autres de ñre counceil adonq^s en meisme ñre fr^e Dirlaunde & lassent des Erceuesques Euesq^s Countes baros & les autres de la cõmunalte de ñre dite fr^e Dirlaunde adonq^s illoeq^s esteiauntz feussunt ascunes ordinaunces faites a tenir & a durer tanq^s au plement donq^s pchein siwaunt puis a ñre plement tenuz a Kilkenny a la quinzeiyn de la natuete saint Johⁿ le baptist lan de ñre regne dis & noefuisme q^s feu le pchein plement tenuz ap^ss, par lassent del dit Johⁿ de Arcy ñre Justice Dirlaunde & les autres de ñre counceil adonq^s en ñre dite fr^e Dirlaunde & lassent des Erceuesq^s Euesq^s Abbes

19 EDWARD II. A.D. 1325.

STATUTE OF IRELAND.

EDWARD by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to the archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, provosts, ministers, and to all his bailiffs and faithful people, greeting: Whereas lately in the octaves of the Purification of Our Lady in the third year of our reign, at our parliament summoned and Parliament then held at Kilkenny, certain ordinances and statutes were made, by the assent of John Wogan our Justiciar, and the others of our council then in our land of Ireland, and by the assent of the archbishops, bishops, earls, barons and the others of the commonalty of our said land of Ireland there being. And in the month of Easter in the thirteenth year of our reign, were also other ordinances and statutes made in our parliament then held at Dublin, by the assent of Roger de Mortimer, our Justiciar, and the others of our council then in our land of Ireland aforesaid, and the assent of the archbishops, bishops, earls and barons and the others of the commonalty of our said land of Ireland, then there being, to the honour of God and of Holy Church, for the benefit of our people and maintenance of our peace of our said land of Ireland, to hold and endure for ever. And in our parliament held at Dublin in the month of Easter, in the seventeenth year of our reign, by the assent of John de Arcy, our Justiciar, and the others of our council then in the same our land of Ireland, and the assent of the archbishops, bishops, earls, barons and the others of the commonalty of our said land of Ireland, then there being, certain ordinances were made, to hold and endure until the parliament then next ensuing. Afterwards at our parliament held at Kilkenny in the quinzaine of the nativity of Saint John the Baptist, in the nineteenth year of our reign, which was the next parliament afterwards held, by the assent of the said John de Arcy, our Justiciar of Ireland, and the others of our council then in our said land of Ireland, and the assent of the archbishops, bishops, abbots, priors, earls and barons and

at Kilkenny.
3 Edw. II.
at Dublin.
13 Edw. II.
at Dublin.
17 Edw. II.
at Kilkenny.
19 Edw. II.

Priours Countes & Barouns & les autres de la cōmunalte de
 ñre dite ñre Dirlaunde adonq̄s illoeq̄s esteiauntz grauntez
 furunt ordeinez & establiz tous les pointz souzescripts. Cest
 assauoir q̄ tous les estatutz & ordeignaunces faitz en les
 plementz susditez soient tenuz gardez & meyntenuz en tous
 leurs pointz en ñre dite ñre Dirlaunde a durer a tous iours,
 Auxi bien celes ordeignaunces q̄ furunt ordinez a ñre dit
 plement tenuz a Dyuelin au mois de Pasches lan de ñre regne
 dis septisme a durer tanq̄ a ñre plement pchein siwaunt come
 les autres. Et come en les ditz parlementz ordeine soit q̄
 chescune Cheueuteigne de ḡant lyneage castie ceaux de seon
 lyneage & de soen s'noun & ceaux de soen lyneage & de soen
 s'noun q̄ trespassent encountre ñre pees & tous larouns
 robeours felouns meffoisours notoires & toutz leurs aherdantz
 q̄em̄ sa seigrie serrunt troue & recette en ñre de pees ßndra et
 rendra iustizables a ñre Court solum la forme en les ditz
 ordeignaunces estatutz contenuez. Et en meisme les
 ordeignaunces & estatus ne soit ordeine punicioun sur les
 cheueuteyns q̄ ceo ne fount ordinez est ē etabli q̄ chescun
 cheueuteyin q̄ ceo ne fra ou tut son poer soit reint a ñre
 volunte as toutes les foitz q̄ il ßra de ceo atteint. Estre ceo
 ordine est assentu & establi q̄ nul hūme veigne desoremes
 arme ne afforciement en les villes ou nous nos heirs ou nos
 Justic̄ tendrount nos geſaulxs plementz, meis en venaunt
 deus meisme le villes veigunt armez & auxi fortz p^r sauuacionn
 de lur corps saunz vilenie mal ou damage faire, come il
 verrount q̄il serra a faire. Et nous les auaunditez estatus &
 ordeignaunces issint al honour de dieu & de saint eglise & au
 cōmū pfit de ñre poeple & meintenaunce de ñre pees en ñre
 dite ñre Dirlaunde faitz & ordinees acceptoms ratephioms pur
 nous & nos heirs & les confermoms a durer pur tous iours.
 En tesmoignaunce de qele chose cestez nos lettres auoms faitz
 faire patentes de ñre seal q̄ nous vsoms en Irlaunde ensealees.
 Doneez en ñre plein plement a Kilkenny le xi^o iour de Juyl
 lan de ñre Regne dis & noeſisme.

the others of the commonalty of our said land of Ireland, then there being, were granted, ordained and established all the Statutes, &c.,
 points underwritten, to wit, that all the statutes and or- made in all
 dinances made in the aforesaid parliaments be held, kept the above to
 and maintained in all their points in our said land of Ireland, be observed.
 to endure for ever, as well those ordinances that were ordained
 in our said parliament held at Dublin in the month of
 Easter, in the seventeenth year of our reign, to continue until
 our next ensuing parliament, as the others. And whereas in the
 said parliaments it was ordained that every chieftain of great
 lineage should chastise those of his own family and of his own
 surname, and those of his own family and surname who tres-
 pass against our peace, and all thieves, robbers, felons,
 notorious malefactors, and all their adherents, who should be
 found and received in his lordship, in land of peace, he shall
 take and render amenable to justice at our Court, according to
 the form in the said ordinances [and] statutes contained. And
 [as] in the same ordinances and statutes there be no punishment
 ordained against the chieftains who do not so, it is ordained
 and established that every chieftain who will not act so with
 all his power, be fined at our will every time that he
 shall be thereof attainted. Further it is ordained, agreed and
 established that no man from henceforth come armed or family.
 in force into the towns where we, our heirs or our Justiciar
 are holding our general parliaments, but in coming towards
 the said towns, they may come armed and as strong as they
 may see necessary to do for the defence of their bodies, with-
 out doing wrong, injury or damage.

And we, the aforesaid statutes and ordinances, so to the honour of God and of Holy Church, and to the common benefit of our people, and maintenance of our peace in our said land of Ireland, made and ordained, do accept, ratify, for us and our heirs, and confirm them, to endure for ever. In witness whereof we have caused these our letters to be made patents, sealed with our seal that we use in Ireland. Given in our full parliament at Kilkenny, the 11th day of July, in the nineteenth year of our reign.

Penalty on
chieftains not
chastising
evildoers of
their own
family.

19 EDWARD II. A.D. 1326.

[LIBER ALBUS OF THE CORPORATION OF DUBLIN, fol. 42d.]

CES sunt les ordeinaunces de lestaple Dengleſſre Irlaund e Gales fetes en temps le Rey Edward fitz le Rey Edward lan de son regne diz e Nefime.

The estatut^e
of the
estaples, &c.

Edward p la g^ece dieu Roy Dengleſſre seignur Dirlaund e Ducs Daquitainge au Meir de sa Cite de Diuelyn salutz. No^o vo^o maundo^o fermeſſt enioinauntz q̄ les choses de south escrites, ordeine p no^o e nre conseil pur cōmun pfit e esement du poeple de tut nre Roialme e poer facez crier e publier e fermeſſt tenir e garder en nre Cite auantdite et p tut en vre baillie.

Staple
Citties and
townes, &c.

I.—Primes qe lestaple des Marchauntz e des Marchaundises Dengleſſre Irlaund e Gales nomeſſt des leyns quyrs peaux lanuz e desteym seit tenuz en meismes les f̄res e nule pt aillours e ceo en les lieux desuthditz cest a sauoir a Noefchastel sur Tyne, Euerwyk, Norwicz, Loundres, Wŷnceſtre, Exestre e Bristuyt pur Engleſſre, Diuelyn, Drogheda e Cork pur Irlaund, Salopesbur kerfildyn e kerdiſ pur Gales. E pur lesteym de Cornewayle a Lostwythiel e a Treuren. E p' lesteym de Deuenschire a Aysptoñ, e non pas aillo's en Engleſſr Irlaund ou Gales.

Et qe totes gentz aliens puissent illoeques e non pas aillours e Engleſſr Irlaund ou Gales f^uncheſſt achater e quere Leyns quyrs e peaus e auſſrs marchaundises e a Aysptoñ Lostwythiel e Treureu esteym e ne pas aillo's e quel eure qils eient achatez lur marchaundises as ditz lieus e en la forme susdite e paie lour custumes e eient sur ceo tres seales du seal du coket, puissent les dites leyns quyrs peaus esteym e autres Marchaundises mener e quele f̄re qe eux voillent si ceo ne seit en f̄re qe seit en gerre ou en enemite deſſs no^o ou nre Roialme. Et qe les Marchauntz est^unges scient de ceo garniz.

19 EDWARD II. A.D. 1326.

THESE are the ordinances of the staple of England, Ireland, and Wales, made in the time of the king Edward son of King Edward, in the nineteenth year of his reign.

Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to the mayor of his city of Dublin, greeting. We command you, firmly enjoining, that the things under written, ordained by us and our Council for the common profit and relief of the people of the whole of our realm and jurisdiction, you cause to be proclaimed and published, and firmly kept and observed in our city aforesaid, and by everyone in your bailiwick.

First that the staple of the merchants and the merchandises of England, Ireland and Wales, namely of wools, hides, wool feils ^{I.} Staple for Ireland to be held in in the said lands and not elsewhere, and that in the places under-mentioned, that is to say, at Newcastle-on-Tyne, York, Norwich, London, Winchester, Exeter and Bristol for England; Dublin, Drogheda and Cork for Ireland; Shrewsbury, Carmarthen and Cardiff for Wales. And for the tin of Cornwall at Lostwithiel and at Truro. And for the tin of Devonshire at Ashburton, and not elsewhere in England, Ireland or Wales.

And that all aliens may there and not elsewhere in England, Ireland or Wales, freely buy and obtain wools, hides and skins and other merchandises, and at Ashburton, Lostwithiel and Truro, tin, and not elsewhere; and when they have bought their merchandises at the said places and in the aforesaid form, and paid their customs and have thereupon letters sealed with the seal of the cocket, they may carry and carry the said wools, hides, skins, tin and other merchandises into whatever land they please, if it be not in a land which is at war or in enmity against us or our realm. And that merchant strangers be warned hereof.

II.—E qe nul alien p luy ne p autre p'vemt ne aptemt poesse p aillo's achatre leyns ou autres Marchaundisez susdites fors qe as ditz lieux sur forfetture des leyns e autrez Marchandisez susdits qil aultor issint achatez.

E qe les Marchauntz Denglebre Irlaund e gales qe voillent mener leyns qu'ys peaus ou esteym hors des estaples p aillours a vendre ne les puissent pas mener des estaples hors de nre poer taunt qe il eient demores q'inze ior's as ascune des estaples a vendre e des adonques aillent ouer les dites Marchaundises la ou ils voillent saunz estaple faire ou tenir nule parte hors hors¹ des dites fr'es ne denz les dites fr'es aillo's qe as lieus desuthdites.

III.—Et qe totes gentz Denglebre Irlaund e Gales puissent leyns e totes autres Marchaundises vendre e acheter quelle part qils vodrount en les dites fr'es issint qe la vente ne se face mye as aliens forsqe a lestaple. E qe leyns quirs peaux e esteym ne seient nule part menez hors des dites fr'es par aliens ne densez forsqe des estaples auantditz.

IV.—E qe les Marchauntz de nre poere ne facent entre eaux conspiracie ne cōfederacion p' amenuiser le p's des leyns ou de autrez Marchaundises susdites ne pur delaier Marchauntz estunges en lachate ou vente de lo' Marchaundises e ceux qe le ferrount e de ceo puissent estre atteintz, seint greouusement puniz solome le ordeinement de no' e de nre bon conseil. E qe chescun seit resceu pur no' qe suyre vodra pur tiels atteindre, e punir e seit tiele suyte faite deuaunt nos chiefs Justices ou autres q'i no' vodroims a ceo assigner, e nemye aillours. E qe les Marchauntz e les gentz de Gascoyne e de la dushee de Guyenne q'i isount ore, ou pur temps trouant de la foi e lobeissauns de no' e de nre fitz e heir seient tenuz denseins e non pas aliens en totes cestes bosoignes.

V.—E qe tous Marchauntz p'uez e estunges seient demenea a la ley Marchaunde en totes choses qe touche Marchaundise faite as lieus de Estaples.

¹ Word repeated in MS.

And that no alien by himself or by another privily or openly may purchase elsewhere, wools or other merchandises aforesaid, except at the said places, upon forfeiture of the wools and other merchandises aforesaid, which they shall have so purchased.

II.
No alien may purchase elsewhere on penalty.

And that the merchants of England, Ireland and Wales, who wish to carry wools, hides, skins or tin away from the staples to sell elsewhere, may not carry them away from the staples out of our jurisdiction, until they have tarried fifteen days at any of the staples to sell them, and then they may go with the said merchandises where they will, without making or holding staple in any part without the said lands, or within the said lands, elsewhere than at the places aforesaid.

And that all men of England, Ireland and Wales, may sell and buy wools and all other merchandises at any place they wish in the said lands, provided that the sale be not made to aliens, except at the staple. And that wools, hides, skins and tin be not in any part carried out of the said lands by aliens or denizens, except from the staples aforesaid.

III.
Sales to aliens, only at the staples.

And that the merchants of our jurisdiction make not among themselves a conspiracy or compact, to lessen the price of the wools or of other merchandises aforesaid, nor to delay merchant strangers in the purchase or sale of their merchandises, and that those who do so and thereof can be convicted, be heavily punished, according to the ordinance of us and of our good council. And that every one be accepted on our behalf, who is willing to sue for the conviction and punishment of such, and that such suit be made before our Chief Justices or others whom we will to assign hereto, and not elsewhere. And that the merchants and the men of Gascony and of the duchy of Men of Gascony and Guienne, who now are or for the time shall be, of our fealty Guienne to be and allegiance, or of that of our son and heir, be held as held denizens denizens and not as aliens in all these businesses.

IV.
Merchants not to conspire to lessen price of wool, &c., penalty.

And that all merchants, native and strangers, be governed by the law merchant in all things which affect merchandise, transacted at the places of the staples.

V.
Merchants to be governed by the law merchant.

VI.—E qe nul hōme ne feme de Burgh ne de Cite ne la cōe des gentz hors de Burgh ou de Cite en Engleſtre Irlaunde ou Gales aſſ noel pchein a venir vſent drap de lour achate demein qe ſra achate aſſ la dite feſte de Noel, ſi ceo ne ſeit drap feſte en Engleſtre Irlaund ou Gales ſur gref forfeture e puniſſeſt ſicome no^o p nre bon conſeil vodroums ſur ceo ordener. E fait a ſauuer qe toutes gentz ſrount entenduz de la cōe en ceo cas hors p's Rei e Reigne Countes e Barouſs Chiualers e dames e lour enfauntz Neez deſpouſe, Erceueſques e Euesques e autres pſones e gentz de ſainte Eglise e ſeculiers qe p'routz deſpendre p an de lour rentes xl ti deſflinges, e ceo ieqſes atauant qil pleiſe a nous p nre bon conſeil cete ordeinement e deſens plus auauant eſtendre.

VII.—E qe chescun hōme e fēme Dengleſtre, Irlaund e Gales puiffent faire draps auxint lōges e auxint courtz come eux vodrount.

VIII.—E qe toutes gentz eient plus g^{au}nt volunte de laborer ſur les oſtaignes des draps en Engleſtre Irlaund e Gales, nous voloms qe toutes gentz ſachent q no^o g^{au}nſoms ff^{au}chifſes couenables as folours felers teent^{ers} e as autres oſtours des draps qe de cele meſt ſouereineſt viuſtent quel eure qe tieles ff^{au}chifſes no^o ſeient demaundez.

IX.—E qe g^{au}nte ſeit as Marchauntz des leyns qe eux eient un Meir de ſuſdites eſtapes.

X.—E qe toutes marchauntz eſt^{au}nges eient le plus g^{au}nt volunte de venir ſur nre poer e ipuiffent plus ſauueſt dem^{er} e reuener, no^o les pnomz corps e biens en nre pteccōn. E defendons ſur greue forfeture qe nul leur face mal ne damage en corps ne en biens en venaunt dem^{aunt} ou retourenaunt, iſſint qe ſi aſcuns les facent damage contre ces pteccōn e deſens, ceux de la ville dount les meffesours ſrount ſeient tenuz a reſpouudre des damages ou des cors des

And that no man or woman of a burgh or city, nor the commonalty of the people outside a burgh or city in England, Ireland or Wales, after Christmas next ensuing, use cloth of their own buying, that shall be bought after the said feast of Christmas, if it be not cloth made in England, Ireland or Wales, upon heavy forfeiture and punishment, as we, by our good council, will to ordain thereupon. And be it known that by the commonalty in this case shall be understood all people, except the King and Queen, earls and barons, knights and ladies and their children born in wedlock, archbishops and bishops and other persons and men of holy church, and seculars, who can expend yearly of their rents forty pounds sterling, and this as long as it pleases us, by our good council, to extend this order and prohibition.

And that every man and woman of England, Ireland and Wales, may make cloth as long and as short as they please.

And in order that all people may be more willing to work upon the making of cloth in England, Ireland and Wales, we will that all men know that we shall grant suitable franchises to fullers, spinners, dyers and other workers in cloth, who live mainly by this trade, what time such franchises be asked of us.

And that it be granted to the wool-merchants that they may have a mayor of the aforesaid staple.

And in order that all merchant strangers may be the more willing to come under our jurisdiction, and may be able with greater safety to abide and return, we take them, their persons and goods, into our protection. And we forbid, upon heavy forfeiture, that anyone do them wrong or injury in person or goods, while they are coming, abiding or returning, provided that if any do them injury, contrary to this protection and prohibition, they of the town to which the evildoers shall belong, be bound to answer for the damages or

VI.
Citizens,
burghers, and
commonalty
to use only
cloth made in
England,
Ireland, or
Wales.

Common-
alty" defined.

VII.
Cloth may
be made long
or short.

VIII.
To encourage
cloth working,
franchises
will be
granted to
fullers,
spinners, &c.

IX.
Wool mer-
chants to have
a mayor of
the staple.

X.
Merchant
strangers
taken under
the King's
protection.

If injured,
towns to
answer.

meffesours, e qe Meir ou baillifs des villes ou Nauie est pignent
surete pur quele il vodrount respoundr a lour pil des Maris
de mesme la Nauie chescun foitz qil isterount hors des
hauenes qil ne mefferrount ne mesporlunt vs nuli countre ces
articles.

En testmoignance de quele chose cestes nos tres oütes
auoms faite ensealer de nre seal. Donez a Keneylworth le
p^{me} io^r de Maij Lan de nre Regne diz e Neofime.

for the persons of the evildoers ; and that the mayor or bailiffs of the towns where the shipping is, take surety, for which they will be ready to answer at their peril, from the sailors of the said shipping, each time that they shall depart from the harbours, that they will not do wrong or misconduct themselves towards anyone, contrary to these articles.

In witness whereof we have caused these our letters patent to be sealed with our seal. Given at Kenilworth the first day of May, in the nineteenth year of our reign.

5 EDWARD III. A.D. 1331.

[MEMORANDA ROLL OF THE EXCHEQUER, 5 AND 6 EDWARD III,
m. 2f.; AND RED BOOK OF THE EXCHEQUER IN IRELAND,
fol. 4d.]

(Red Book.) **O** RDINAÇOES¹ acte in pliamento apud Westm tempore
Regs E. ²scii tento put tam inferius & in Ro⁴ Memo^r
Sc⁴cii . . . scii Michis anno eiusdem Regis quinto q⁴m
in Ro⁴ C. . . . hi⁵n de anno sexto d⁵c⁵i Regis irrotulat
cont^r.

(Mem. Roll.) ² Brigia de Ang¹ et Cancellar² Hi⁵n lib ad sc⁴cium Dubli⁵ in Promio
scii Michis anno r⁵ r⁵ E. ²scii post cōquestū q⁴nto.

Statuta Angi. Edwardus dei gr⁵a Rex Angi D⁵ns Hi⁵n & Dux Aquit Justic⁵
Cancel⁵ & The⁵ suis Hi⁵n saltm. Mandamus vobis q⁵d articlos
subscriptos quos p⁵ emendacione status Pre nre Hi⁵n & quiete
& t⁵nquillitate popli nri ibidem p⁵ suisamentū consilii nri in
ultimo pliamento nro apud Westm tento ordinauimus in d⁵ca
fra Hi⁵n q⁵ntū ad vos attinet teneatis & obseruetis & p⁵ alios
fideles nros d⁵ce Pre teneri & obseruari faciat. Tenor autem
articlo⁵ pd⁵co⁵ talis est—. In p⁵mis Justic⁵ Hi⁵n qui nunc est
vel qui p⁵ tempe fuit non concedat Cartas pdonacionis de morte
hōis n⁵ de roberiis & incendiis aliquib⁵, nisi de roberiis &
incendiis ante festū Pasche anno regni d⁵ni E. Regs Ang¹
fcii post Conquestū Quinto ppetratis, et q⁵d dece⁵to certificet
Regem de nōib⁵ huiusmodi pdonaciones petenciū & de

¹ Entitlement in Red Book.

² Entitlement in Mem. Roll.

5 EDWARD III. A.D. 1331.

ORDINANCES made in a parliament held at Westminster in the time of king Edward the Third, as they are contained, as well below, and in a Memoranda Roll of the Exchequer [of Ireland of] Michaelmas term, in the fifth year of the said King, as in a roll of the C[hancery] of Ireland of the sixth year of the said King enrolled.

Writs out of England and the Chancery of Ireland, delivered at the Exchequer, Dublin, in Michaelmas term, in the fifth year of the reign of king Edward the Third after the conquest.

STATUTES OF ENGLAND.

Edward by the grace of God King of England, lord of Articles of Ireland and duke of Aquitaine, to his Justiciar, chancellor ^{last parliament at Westminster} and treasurer of Ireland, greeting. We command you that the ^{to be observed} underwritten articles which, for the improvement of the state in Ireland. of our land of Ireland and the quiet and tranquillity of our people there, by the advice of our council in our last parliament held at Westminster, we have ordained, in the said land of Ireland, you, as far as to you belongs, hold and observe, and by our other faithful subjects of the said land you cause them to be held and observed. The tenor of the aforesaid articles is as follows:—

I. Firstly, the Justiciar of Ireland who now is, or who for the time shall be, shall not grant charters of pardon for the death of a man, nor for any robberies and burnings, except for robberies and burnings before the feast of Easter in the fifth year of the reign of the lord Edward, King of England, the third after the conquest, committed. And that from henceforth he certify the King of the names of those seeking such pardons and his advice thereon, and that the King do

auisamento suo, et qd Rex faciat inde voluntatem suam, et qd null in fra Hiñn exnuc fac tales pdonaciones infra libertatem vel exta sub gau forisftura dñi Regis.

Iñm qd dñus Justic decepto non concedat tuicione pacis felonibz ad siluam existentibz. Iñm qd vna & eadem Lex stat tam Hiñnicis qm Anglicis, excepta suitute Betagioꝝ penes dños suos eodem modo quo vsitatū est in Angt de villanis. Iñm qd Justic nec aliquis alius Minister decetero non det alicui custodiam vel Maritagū alicuius hered ad Regem ptinencia, nec pdonet debita Regis seu fines afciamenta vel catalla forisfta, set qd Justic & alii Ministri huiusmodi custodias & Maritag vendant & a cōmodū Regē inde fac iuxa discretiones suas.

Ita qd viç & Coronatorē decepto eligant p Cōitates Comitatuū, et non alio modo, et qd catalla forisfta remaneant in custodia villataꝝ. Iñm qd Justic seu aliquis alius Minister non recipiat aliquē Magnatem in plegiū vel manucaptorem v̄sus dñm Regem nisi quatenus ad cōmodū dñi Regis viderint faciend. Iñm qd Justic obsides p conseruacione pacis sibi liberatos in Castris dñi Regē faciat saluo custodiri ad sumptus suos p̄prios, et qd si ipi qui posuerunt huiusmodi obsides condicione & conuenciones quas fecerunt non obseruent, Justic faciat Justiciam & Judiciū de huiusmodi obsidibz. Iñm qd Justic seu aliquis Magnas Hiñn non concedat ptectiones alicui cont pacem Regē existenti. Iñm qd nullus Minister¹ Regē deceto

therein his will, and that no person in the land of Ireland henceforth give such pardons within a Liberty or without, under a heavy forfeiture to the lord the King.

II. Also that the said Justiciar from henceforth shall not grant the tuition of the peace to felons being in the woods. No protection to felons in woods.

III. Also that one and the same law be made as well for the Irish as the English, except the service of betaghs in the power of their lords, in the same manner as is used in England concerning villeins. Same law for Irish as English, save service of betaghs.

IV. Also that neither the Justiciar nor any other officer from henceforth give to any person the wardship or marriage of any heir, appertaining to the King, nor pardon debts of the King, whether fines, amercements or chattels forfeited, but that the Justiciar and other officers sell such like wardships and marriages and make other profit thereof for the King, according to their discretions. The King's wardships and marriages to be sold for his profit.

V. Also that from henceforth the sheriffs and coroners be elected by the communities of the counties, and not in any other manner, and that chattels forfeited remain in the custody of the townships. Sheriffs and coroners to be elected by the communities of the counties.

VI. Also that the Justiciar or any other officer shall not receive any magnate in pledge or mainprise towards the King, unless as far as for the advantage of the lord the King. No magnate in mainprise towards the King.

VII. Also that the Justiciar cause the hostages for the preservation of the peace to him delivered to be safely kept at his own costs, in the castles of the lord the King, and that if they who have given such hostages observe not the conditions and conventions which they shall have made, the Justiciar shall execute justice and judgment upon such hostages. Hostages for peace to be kept in King's castles, &c.

VIII. Also that the Justiciar or any magnate of Ireland shall not grant protections to any person being against the King's peace. No protection to any being against the King's peace.

recipiatur in plegiū vel manucaptorē *christus dominus regem*. Itm qd fines de vaccis decepō p redempcione non capiant^r set denarii. Itm qd Treuga capta & capienda in^r Anglicos & Hibernicos decepō obseruet^r, et qd neutra pars dampnū alteri durante huiusmodi Treuga inferat, et si fecunt p feloniam heat^r. Itm qd nullus vtlagatus in gildabili receptet^r infra libtates nec econfiso, et inde fiat ordinacio p Justic^r & alios Ministros & dnos libtatū. Itm qd vič & alii Ministri cōputent quolt anno semel ad minus si cōmode fieri pos^rit. Itm qd senescallus alicuius dni Hiberni non ponat^r in aliquo officio Regis. Itm qd Theos Regē vel aliquis alias Minister Regē vbi ipē intendere non potest supuideat quolibet anno Castra Regē & statū eoždem, et qd emendari fac̄ defectus eoždem. Itm qd vič in ret'nis que faciūt de bribz dni Regē ponant nōia sua. Ita qd quolt vič de exi^r forisfis & aliis p̄ficiis que requirunt^r s̄b nōie vič oflet^r ad sc^rcm p tempe suo p̄prio. Itm qd ext^rnei non assignent^r Collectores Custumaz Regē set Burgenses villa^r ubi tales custume colligi debent assignent^r ad eas colligend^r, et hoc fiat de potencioribz & discrecioribz. Itm qd Justic^r fac̄

IX. Also that no officer of the King from henceforth be received in pledge or mainprise towards the lord the King. No officer of the King to be pledged towards him.

X. Also that fines of cows from henceforth be not taken for redemption, but money. Money to be taken in fine.

XI. Also that a truce taken and to be taken between the Truce English and Irish from henceforth shall be observed, and that neither party do injury to the other during such truce, and if they do, that it be held for felony. between English and Irish to be observed.

XII. Also that no outlaw in geldable land be received within Liberties, nor conversely; and that order be made thereon by the Justiciar and other officers and the lords of Liberties. No outlaw in geldable land to be received in Liberties, and conversely.

XIII. Also that the sheriffs and other officers account every year, once at the least, if it can be conveniently done. Sheriffs, &c., to account once a year.

XIV. Also that the seneschal of any lord of Ireland be not placed in any office of the King. A lord's seneschal not to be an officer of the King.

XV. Also, that the King's Treasurer, or some other officer of the King, where he himself cannot undertake it, inspect every year the King's castles and the state thereof, and that he cause their defects to be remedied. King's castles to be inspected yearly by the Treasurer.

XVI. Also that the sheriffs put their names in the returns which they make of the writs of the lord the King, so that every sheriff be charged at the Exchequer for his own time, for the issues, forfeitures, and other profits which are demanded under the name of the sheriff. Sheriffs to put their names in returns to writs.

XVII. Also that strangers be not appointed collectors of the King's customs, but that burgesses of the towns where such customs should be collected, be appointed to collect them, and that this [appointment] be made from among the most influential and discreet. Burgesses to collect customs in towns.

inquirere quolt anno de Ministris dñi Regē, & eox f̄cis, et qd puniat delinquentes p consiliū & auisamentū Cancellī Thes & alioꝝ de consilio Regē & ammoueat insufficientes & ponas sufficientes. Itm qd nullus manuteneat nec ducat kernos nec gentes vocatas Idelmen nisi in marchiis suis p̄priis, et ad custus eoꝝdem, nec faꝝ prisas. Itm qd oñes Ministri Regis qui tenent ad computand, et non hent ñras seu teñ suffiç in Hibñ inueniant manuacpcionē in Hibñ ad respondend Regi de comp̄ suis ibidem. Itm qd oñes hentes ñras & teñ in Hibñ tam religiosi qm̄ alii þmunitant qd resideant in eisdem, si sint in Marchiis vel alibi vel ponant sufficientē custodiam p conseruacione pacis in eisdem, citra festū sc̄i Petri ad vincula p̄ futur, et si non fecint qd Rex in eaꝝ defectū, ñras & teñ illa in manū suam capiet & de sufficienti custodia eoꝝdem ordinabit. Itm qd nullus cuiuscūq status seu condicionis manuteneat soueat nec defendat Hibñicos, seu aliū quēcūq contra pacem dñi Regē insurgentē. Et si aliquis sic fecit & inde conuictus fuit, p felone hæatur. In cuius rei testimon̄ has ñras fieri fecimus patentes. T. meiþo ap̄d Croyndoñ ñcio die M̄rcii anno r̄ ñ Quinto. p ip̄m Regem & cons.

Vñ hic irro⁴ p manus Thoꝝm de Burḡ Thes Hibñ xix^o die Nouemb̄ anno sup⁴dco.

XVIII. Also that the Justiciar cause inquiry every year concerning the officers of the lord the King, and their proceedings, and that he punish delinquents by the counsel and advice of the chancellor, treasurer and others of the King's Council, and remove the inefficient, and place efficient persons [in their stead].

XIX. Also that no person maintain or lead kernes or persons called idlemen, except in their own marches and at their own costs, nor take prises.

XX. Also that all the King's officers who are bound to account, and have not lands or tenements sufficient in Ireland, find mainprise in Ireland to answer to the King concerning their accounts there.

XXI. Also that all persons having lands and tenements in Ireland, as well religious persons as others, be forewarned that they reside in the same, whether they be in the marches or elsewhere, or that they place sufficient guard for the preservation of the peace in the same, before the feast of St. Peter ad vincula next to come, and if they shall not do so, that the King, on their default, take the said lands and tenements into his hand and make order concerning their sufficient keeping.

XXII. Also that no person of whatsoever state or condition, maintain, favour, or defend Irishmen or any other person whatever, rising against the King's peace. And if any person do so and be thereof convicted, that he be held as a felon.

In witness wherof we have caused these our letters to be made patents. Witness myself at Croydon the third day of March in the fifth year of our reign.

By the King himself and Council.

They came here to be enrolled by the hands of Thomas de Burgh, treasurer of Ireland, the nineteenth day of November in the year aforesaid.

5 EDWARD III. A.D. 1331.

[MEMORANDA ROLL OF THE EXCHEQUER, 5 AND 6 EDWARD III.,
m. 2 f.]

pro Rege de
reuoac.

EDWARDUS dei grā Rex Angl Dns Hibn & Dux Aquit
ditcīs & fidelibz suis Antonio de Lucy Justic, Ade de
lymberg Cancellar, & Thome de Burgh Thes suis Hibn salim.
Quia in pliamento nro nup apud Westm tento p nos platos,
Comites, Barones, & cōitatem regni nri concordatum suit, qd
om̄es donaçōes p nos facte postq'm suscepimus gubernacta
regni nri de castris, villis, Mafiiis, terris, teñ, Wardis, custodiis,
Maritagiis, Baltis, & libtatiibz reuocent & eadem castra, ville,
Mafia, terre, teñ, Warde, custodie, Maritagia, Baltie & libtates
resumant in manū nram p eo qd negocia nos & statū regni
nri & terre pdce contingencia p quosdam tunc consiliarios nros
deducta fuerant ad nri dampnū & dedecus ac depaupacōem
poþli dicti regni, Vob mandamus qd om̄ia castra, villas, Mafia,
terras, teñ, Wardas, custodias, Maritagia, Ballias & libtates p
nos postq'm gubernacta regni nri suscepimus, data, concessa,
seu cōmissa in manū nram resumatis, et ea ad opus nrm p
bonos & sufficiētes Custodes p vos ad hoc deputand, saluo
custodiri faç, qui de exitibz inde p̄uenientibz nob ad sc̄cim nrm
Dublii respondeant p̄t decet. T. meiþ apud Croyndoñ
q̄nto die Marcii anno r̄ n q̄nto.

Veñ hic irrotuland p manus Thoñ de Burgh Thes xxi^o die
Januař à sup^{ad}co.

6 EDWARD III. A.D. 1332.

[WRIT FOR OBSERVANCE IN IRELAND OF SEVERAL STATUTES.]¹

The King to his trusty and well-beloved Anthony de Lucy, his
justiciar of Ireland, greeting. Certain statutes by us, the Prelates,
Earls, Barons, and other great men of our realm, published in divers
our parliaments, since we took upon us the government of our realm,
we send unto you, in patent form, commanding that the statutes
aforesaid, and all the articles therein contained, in our aforesaid land
of Ireland, as well within liberties as without, you cause to be publicly
proclaimed; and as much as to you and our people of those parts

¹ The text, taken from Statute Roll (Engl.) m. 26, is printed in *Statutes of the Realm*, 1, p. 209.

5 EDWARD III. A.D. 1331.

For the King, } E DWARD by the grace of
concerning resumption. } God, King of England,
lord of Ireland and duke of Aquitaine, to his beloved and
faithful Anthony de Lucy, his justiciar, Adam de Lymbergh
his chancellor, and Thomas de Burgh his treasurer of Ireland,
greeting. Whereas in our parliament lately held at West-
minster, by our prelates, earls, barons and commons of our
kingdom, it was agreed that all gifts by us made, after we
undertook the government of our kingdom, of castles, towns, Castles, lands,
manors, lands, tenements, wardships, custodies, marriages, &c., granted
bailiwick and liberties should be revoked, and the said undertook the
castles, towns, manors, lands, tenements, wardships, custodies, government
marriages, bailiwick and liberties be resumed into our hands.
hand, by reason that matters concerning us and the state of
our kingdom and land aforesaid, by certain of our then
councillors were carried out to our injury and dishonour, and the
impoverishing of the people of the said kingdom; we command
you that all castles, towns, manors, lands, tenements, ward-
ships, custodies, marriages, bailiwick and liberties, by us,
after we undertook the government of our kingdom, given,
granted or committed, you resume into our hand, and the
same to our use, by good and sufficient keepers by you for this
purpose to be deputed, you cause to be safely kept, who of the
issues thereout accruing shall answer to us at our Exchequer
of Dublin, as is meet. Witness myself at Croydon the fifth
day of March, in the fifth year of our reign.

This came here to be enrolled by the hands of Thomas de
Burgh, treasurer, the twenty-first day of January in the
year aforesaid.

belongs, to be firmly kept and observed. Witness the King at North-
ampton, the 11th day of April, in the sixth year of the King aforesaid.

¹ The following Statutes were sent into Ireland with the foregoing
writ:—

¹ Edward III. 1327. Statutes I. and II. Westminster. (See
Statutes of the Realm, I, p. 251).

² Edward III. 1328. Northampton. (See *Statutes of the Realm*,
I, p. 257).

⁴ Edward III. 1330. Westminster. (See *Statutes of the Realm*,
I, p. 261).

⁵ Edward III. 1331. Westminster. (See *Statutes of the Realm*,
I, p. 265).

16 EDWARD III. A.D. 1342.

[RED BOOK OF THE EXCHEQUER IN IRELAND, VOL. 13-20.]¹

[L]ES peticions] qensuent furent ballez a nre seignr le Roi de ffrance & Danglebre p frier John [Larcher] Priour del hospital saint John de Jerfm en Irlaund & mons Thomas Wogan enuoiez au Roy] en message p les Prelatz Countz Barons & la cõe de la terre Dirlande oue autr's [articles queux] le Roi p lauisemet de son consail ad ordeine queles peticions furont diligamet [examinez &] responduz p le consail le Roi et les responses escriptes seualamet ap's chescun pe[ticion &] puis le Roi oyz & entenduz les dites peticiones & responses si acorda & comanda q lez [dites] responses oue les autres articles feusent tenutz & maintenuz en toutz pointz sur les pei[nes con]tenuz en ycelles.

[Tres]ch seignr ptie de les defautes p'r quoi vous nestes mie responduz des issues de vre Pre Dirlande come votz pgenit's soleient estre si sont p les enchesons q ensuont cest asauoir [sire] q auxi bien votz Manoirs, Chasteux, fforcelets & autres votz demeines tres dount votz pgenitours soleient receuire grandes issues & pfits come les Manoirs, Chasteux & fforcelets Duluest & de Connaght q furont al Counte Duluest & ore sount en vre garde dount sire vo' auiez en Connaght la Jurisdiccion real p tut de reison & de queles les Countz Duluest soloient auoir grandes issues & auantages & ensemet sire autres difuses tres & tempaltez q deuinent en vre [gar]de p defaute de bones ministres q y dussent auoir mis bone goûnemet si sount mitz des[trutz] issint sire q poi de profit vient a vous de toutes celles tres & pmie meismes les tres issint destrutz & fieblement gardez, les tres veisinables si sont destrutz pont sire la tierce pte & plus de vre Pre Dirlande q fust conquis en temps de votz pgenit's est ore deuenutz en la

¹ Blanks in the original, caused by obliterations, &c., are supplied from text (extended) printed in Calendar *Close Rolls*, Edward III., 1341-5 (P. R. O. series), p. 508, taken from *Close Roll* (Engl.), 16 Edward III, pt. 1, m. 25d. The text also appears in Prynne's *Animadveriones* (1609), p. 278.

16 EDWARD III. A.D. 1342.

[THE Petitions] which follow were presented to our lord, the King of France and England, by brother John [Larcher], prior of the Hospital of St. John of Jerusalem in Ireland, and sir Thomas Wogan, sent to the King as messengers by the Prelates, Earls, Barons, and the Commonalty of the land of Ireland, with other articles, which the King, by the advice of his Council, has ordained ; which Petitions were diligently [examined and] answered by the King's Council, and the answers written severally after each Petition ; and then the King, having heard and attended to the said Petitions and answers, agreed and commanded that the [said] answers, with the other articles, should be held and maintained in all points, upon the penalties therein contained.

I. [Very] good lord, part of the defaults, by reason whereof you are not answered of the issues of your land of Ireland, as your progenitors were wont to be, are due to the following causes, namely, [sire] that as well your manors, castles, fortalices, and other your demesne lands, out of which your progenitors were wont to receive great issues and profits, as the manors, castles, and fortalices of Ulster and of Connaught, which belonged to the Earl of Ulster, and which are now in your custody, of which, sire, you have in Connaught the royal jurisdiction by every right, and of which the Earls of Ulster were wont to have great issues and advantages ; and likewise, sire, divers other lands and temporalities which come into your [custody] are by want of good officers, who ought there to have placed good government, so much destroyed, that, sire, little profit accrues to you out of all those lands ; and besides the same lands so destroyed and feebly guarded, the neighbouring lands are destroyed, whereby, sire, the third part and more of your land of Ireland, which was conquered in the time of your progenitors, is now come into the hand of your

Petitions to
the King from
Ireland, with
answers.

The answers,
etc., to be
observed.

meine de votz enemis Irreys & votz liges gentz Engleis sont tant espouerez q̄ apeine poent ils viure. Et issint sire q̄ p greuance des ditz enemis dune pt & excesse doffice des ministres d'autre pt come ſra ben mouſtre vo⁹ nestes mie responduz des issues & profitz de vre dite Pre, ſicome vos pgenitours ſoleilent eſtre ne votz ditz lieges ne ſe poent contenir ſautz remedie de vre bon ſeignie.

C. A ceste peticion p' ceo q̄ ele eſt geſhal ſi nest mie ronſonc done ici, mais celle eſt aſſez ronſonc en les autres articles q̄enſuent q̄ ſont mis en eſpecial.

C. Enſement ſire come nulle Pre ne p'ra eſtre ben goſſne ſantz ley & armes, vos Ministres ſire en Irlande failont ſouent en lune et en laſtre, Cest aſſauoir ſire q̄ p la ou y li ad continuele gerre en Connagħt et aillours en vre dite Pre pentre les linages Engleis p defaute ſire q̄ votz Ministres ne viegnōt point pur fere execuſione de loi deſus les meſefouſours ne les reſtreignont p force darmes ceux pais ſont tant deſtrutz & troblee q̄ ſire pnez nul pſit.

C. Le Roi enuoiera bones gentz p' enquerre des choses q̄ ſouēt meſprieſ & pur les redreſcer en due maſſe, et ſi voet il ordiner illoq̄s bones Ministres p' gouerñ ben la Pre & meinten̄ la lei.

C. Enſement ſire votz Ministres chiuauſhent [ascu]ne foitz eſſorſemēt en vre dite Pre ou il nad meiſter p cause de reſceuire gages q̄ deſtrut Pre Tresor.

C. Le Roi deſent ſeur greue forfait'e qils ne chiuauſhent [de gerre] ne ne facent tiels deſpenses mais en la maſſe mais q̄nt il buſoigne et ſoit enq̄uys [queux] ont fait al encontro & ſoient puniſt ſolonc la q̄ntite du trespas de quele eſtat [qils ſoient].

C. Enſemēt ſire vos Chasteux de Roscoman, Radoñ & Athlon, Bonrat [& autres chas]teux & fforceletz q̄ duffent eſtre en vre maine & p q̄ux tut le pais [entour ſoloit eſtre] conforſte

Irish enemies, and your English lieges are so impoverished that they can hardly live. And accordingly, sire, by trouble from the said enemies on the one side, and official misconduct of the officers on the other side, as shall be well proved, you are not answered of the issues and profits of your said land, as your progenitors were wont to be, nor can your said lieges maintain themselves without remedy from your gracious lordship.

To this petition, because it is general, no answer is here Answer. given, but it is sufficiently answered in the other articles which follow, which are framed in particular.

II. Also, sire, though no land can be well governed without Officers not law and arms, your officers, sire, in Ireland, often fail in the executing the law by force one and in the other; that is to say, sire, that whereas there of arms. is continual war in Connaught and elsewhere in your said land among those of English blood, by default, sire, of your officers in not coming to execute the law upon evil doers, and not restraining them by force of arms, those countries are so destroyed and troubled, that, sire, you receive no profit.

The King will send trusty people to enquire into the matters Answer. which are done amiss, and redress them in due manner, and it is his will to ordain there good officers to govern the land well, and to maintain the law.

III. Likewise, sire, your officers [some]times ride in force Officers ride in in your said land, where there is no need, for the sake of force, with a view to fees. receiving fees, which destroys your treasure.

The King forbids, under a heavy penalty, that they ride Answer. [to war], or any longer cause such expenses in this manner, except when it is necessary, and let enquiry be made as to those who have done the contrary, and let them be punished according to the amount of trespass, of what estate soever [they be].

IV. Likewise, sire, your castles of Roscommon, Randon Castles, &c., and Athlone, Bunratty [and other castles] and fortalices which hands, by default of the King's officers, in the enemy's ought to be in your hand, and by which all the country

et defendu si sont ore en meines des Irreis enemis et p cestes [defautes cest] assauoir sire q̄ les Tresorers Dirlande q̄ deuouent p̄stemēt auoir paie [as Conestables] lur feez, ils ne le voloient pas faire eins delaierent la paie [tantq̄l leur couendroit ent re]lessēr ḡnde ptie pur auoir le remenant issint sire q̄ les dits [Conestables ne poent] lours offices couenablement pfournir et iademeyns sire les ditz Tresorers [ont entz plenere] allowance sur lours acomptes des fees auantditz.

C. Ensemēt [sire ascuns ont la gar]de des Chasteux q̄ ia ny mettont le pee. Et ascunes des [Ministres ont la garde des chas]teux pur couetise des grandes fees et mettont en lur [lieu gentz de rient a meindres] custages qils poent eschaper et issint sire sont votz Chasteux et fforcelets les vns abatu[tz et les] vns en meines des Irreis enemis et les autres en ḡnde pil destre pduz, et ceo sire p̄ defaute des bons Ministres q̄ y dussent amendement mettre.

C. Q̄nt as Tresorers q̄ ne [volloient] paier p temps et q̄ p̄steront ptie pur faire la remenant et ont euz allowance del [tut sur] lours acomptes; soit enquis et due punissemēt fait de eux. Et les Tresorers paiont desore les fees p̄stement sur peine de respondre au Roi et a son poeple des damages q̄ [ent auen]dront p̄ lur defaute et le Justice ou son lieutenant surueye q̄ les Chasteux le Roi soient ben estuffez des gentz darmes archiers et des autres garnisons solonc la suffissan-[cye des] fees des Conestables et solonc ce q̄ la chose demande de necessite et solonc ceo [q̄ d]antiquite soloit estre fait. Et q̄nt a ceux q̄ ount la garde des chasteux le Roi [et ne de]moerent point sur lur dites gardes et ensemēt as Ministres qenpnent la garde des [Chas]teux le Roi pur couetise des ḡndes fees soit mande au Justice Dirland ou a son lieutenant q̄l mette tiels Conestables et tiels garnissons en Chasteux qils purront sauuer les Chasteux et aider au pais enuiron et qis demoerent sur lur gardes sur peine de respondre au Roi et a

[around was wont to be] strengthened and defended, are now in the hands of the Irish enemies, and by these [defaults], that is to say, sire, that the Treasurers of Ireland, who ought promptly to have paid [the constables] their fees, would not do it, but delayed making payment [until they agreed to] forego a great part, in order to have the remainder, with the result, sire, that the said [constables cannot] properly perform their offices; and nevertheless, sire, the said Treasurers [have thereof full] allowance on their accounts of fees aforesaid.

Likewise, sire, certain persons have the custody of castles, Neglect of who never set foot in them. And some of [the officers have King's custody of castles] through greed of large fees, and put in their castles. [place men of no substance at less] cost, which they are able to conceal, and so, sire, your castles and fortalices are, some in ruins, some in the hands of the Irish enemies, and others in great danger of being lost; and this, sire, for want of good officers, who ought to make amendment herein.

As to the Treasurers who [would] not pay in time, and who Answer. Treasurers. took part, as a condition for payment of the remainder, and have had allowance of [all on] their accounts, let enquiry be made, and due punishment executed on them. And let the Treasurers henceforth pay the fees promptly, on pain of answering to the King and to his people for the losses which may happen therein by their default, and let the Justiciar or his lieutenant see that the King's castles be well furnished King's castles with men at arms, archers and other equipments, according to to be well equipped. the adequacy of the fees of the constables, and according as necessity demands, and as from olden time was wont to be done. And as to those who have the custody of the King's Sufficient castles, and do not dwell on their said wards, and likewise as custody of same. to the officers who undertake the custody of the King's castles through greed of large fees, be it commanded to the Justiciar of Ireland or his lieutenant that he put such constables and such equipments in the castles that they may be able to preserve the castles, and aid the country around, and that they dwell on their wards, on pain of answering to the King and to

son poeple des damages qauendront p lours defautes. Et q autres q ont la garde des Chasteux en pais de doun le Roi en fee ou en autre mane y mettont couenable garnison solonc lafferant de lurs fees & demoergent sur lur gardes sur peine de pdre lur gardes des ditz Chasteux oue les app'renances & de respondere au Roi & as autres des damages q ensi auendront p lur defaute. Et q pur nul mandement q vendra du Roi nul h'ome eit garde du Chastel sil ne deanoerge en ppre psone & face ceo q atient come desuis est dit, et soit mande vne bref au Justice ou son lieutenant & vne autre au Chanceler q si ensi soit q celui a qj la garde est g'nte ne y uoile dem'er ; qils facent autre en son lieu. Et soit mande au Tresorer qil ne paie gages a celui forsq pur le temps qil demoert & pur les gentz qil retient.

C. Ensement sire votz Ministres donnent fees pur la garde de Chasteux auxi ben la ou Chasteux ne sont mie come la ou ils sont seur qui sire si hom enquerge ben sra trone q Tresorers enount plaine allowance sur lours acomptes p la ou ils nount paie forq poi ou nient.

C. Le Roi deffent q rienz ne soit paiez pur la garde du Chastel pdu ou abatu & soit enq's de ceux q ount ensi folement paiez & respoignent ent au Roi. Et soient ballez as ceux q enquerront les t'nssepts des acomptes des Tresorers renduz a Leschequer & soient puniz solonc lur desert a la suite du Roi & de ptie, et q le Justice ou son lieutenat & le Chanceller Dirland q pur le temps sront suruoient chescune an oue bone dilig'e auxi bien les pcelles des acomptes desouz Ministres & de ceux q paient gages de gerre & de tous autres acomptables al Tresorer en Leschequer touchantz les ac'ptes des Tresorers come doit Tresorer meismes, & si rien soit a chalenger y mett'ot lours challenges & meismes les acomptes & pcelles issint s'ueuz & examinez ensemblement oue lur

his people for the losses that may happen by their defaults. And that others, who have the custody of castles in the country, of the King's gift in fee, or in any other manner, place in them suitable equipment, according to the proportion of their fees, and dwell on their wards, on pain of losing their custody of said castles, with the appurtenances, and of answering to the King and to others for the losses which shall thus happen by their default. And by no warrant which shall come from the King let any man have custody of a castle, if he dwell not [there] in his own person, and do what appertains thereto as is above said. And let a writ be sent to the Justiciar or his lieutenant, and another to the Chancellor, that if it be so that he to whom If custodians custody is granted, will not dwell there, that they appoint ^{will not dwell,} _{new ones to} another in his place. And be it commanded to the Treasurer ^{be appointed} that he pay him no wages save for the time that he dwell there and for the men that he retains.

V. Likewise, sire, your officers give fees for the custody of castles, as well where castles are not as where they are ; ^{Fees paid for custody where no castles exist.} as to which, sire, if enquiry be made, it will clearly be found that Treasurers have full allowance on their accounts, whereas they have paid but little or nothing.

The King forbids that anything be paid for the custody of a castle lost or thrown down, and let enquiry be made of those who have thus foolishly paid, and let them answer for it to the King. And let the transcripts of the Treasurers' accounts rendered to the Exchequer be delivered to those who shall make enquiry, and let them be punished according to their desert at the suit of the King and of the party, and that the Justiciar or his lieutenant and the Chancellor of Ireland for the time being, examine each year with good diligence, as well the parcels of the accounts of the under officers and of those who pay wages of war, and of all others accountable to the Treasurer in the Exchequer, touching the accounts of Treasurers, as ought the Treasurer himself ; and if there be anything to challenge, let them put thereon their challenges, and let the accounts themselves and the parcels so surveyed and examined,

challenges soient clos souz les seals des ditz Justice ou son lieutenant & Chanceller & le seal del Eschequer, & enuoie en Engleſtre quele hure q̄ les Tresorers ſront mandez pur lur acomptes rendre.

C. Enſement ſire plusours autres choses ſount come dounz de v̄re dit poeple a vous ſire faitz & prises de vittailles pur v̄re gerre descoce & aillurs de quoi ſire plaine allowance eſt fait as Tresorers ſantz paientement faire a ceux des queux les vittailles ſont enſi p̄is ou gre auoir de vous ſire pur lur dounz.

C. Soit enquis & puny come deuant.

C. Enſement ſire diſſes Eschetours viſcontes & autres Minſtres acomptables ſont faitz ascunz p̄ Comiſſions de dela & ascuns de decea & ſont ḡuelement endettez a vous ſire & poiount ou nient dount paier & ascuns paſſent en Engleſtre & ascuns moerent p̄ decea, iſſint ſire q̄ v̄re poeple nest descharge de ceo q̄ils leuent de eux ne vo' ſire ſuy en destresse de v̄re tresore & gref damage de v̄re poeple.

C. Soit enquis de teux Minſtres q̄ ount eſte et le Roi certefie des nouns [& de] lours mainpnoſ & de lours terres & tenementz & bienz quele pt q̄ils ſoient. Et ſi voet [le Roy] q̄ desore le Justice ſon lieutenant Chanceller ne Tresorer Dirlande pur nul man[de]ment q̄ lur vendra hors Dengleſtre reſceiuent ne facent nul Minſtre acomptable [ſil ne] ſoient ſuffiſant de respondre au Roi & au poeple ſolonc ceo q̄ y apent et [ſi nulles] q̄ ount eſte enſi Minſtres ſoient demorant en Engleſtre & ne ount rendutz acōpte [ſoit] la court eyſtifie de lours nouns & ſoit p̄ces fait v̄s eux en Engleſtre de les [faire] venir en Irlande a Leschequer de rendre lur acompte illeoques, & y ſoit fait ceo q̄ [la ley] voet pur le Roi & pur autre.

together with their challenges, be closed under the seals of the said Justiciar or his lieutenant and the Chancellor, and the seal of the Exchequer, and sent into England, whenever the Treasurers shall be directed to render their accounts.

VI. Likewise, sire, several other things there are, as gifts of your said people made to you, sire, and prises of victuals for your Scotch war and elsewhere, of which, sire, full allowance is made to the Treasurers without payment being made to those from whom the victuals are so taken, or satisfaction had from you, sire, for their gifts.

Let it be enquired of and punished, as before.

Answer.

VII. Likewise, sire, divers escheators, sheriffs and other accountable officers are appointed, some by commissions on that side, and some on this, and they are heavily indebted to you, sire, and have little or nothing wherewith to pay, and some pass into England and some remain here, so that, sire, your people is not discharged of what they levy of them, nor are you, sire, served, to the distress of your Treasury and grievous loss of your people.

Let enquiry be made of such officers as have done so, and Answer. the King be certified of the names [and of] their mainpernors, and of their lands and tenements and goods, in whatever part they be. And [the King] wills that from henceforth the Justiciar, his lieutenant, the Chancellor and Treasurer of Ireland shall not, for any mandate that shall come to them out of England, receive or make any officer accountable, [if they] be not sufficient to answer to the King and to the people, according to what in that case appertains, and [if any] who have so been officers, be dwelling in England, and have not rendered account, let the court here be certified of their names, and let process be made against them in England [to cause] them to come to Ireland, to render their account at the Exchequer there, and be that done therein which [the law] wills for the King and for other.

C. Ensemēt sire si nules fr̄es eschesent en vre maine en Marche ou fors de Marche p voie de garde & soient lessez a ascune hōme votz Ministres ne[allow]ent nulle mafie des coustages mis en sustenance des dites terres p quele defaute sire manoirs sont gastez & destruitz et Chasteux abatuz come piert en Vlues[¶] & en Connaght & aillours en vre dite fr̄e p quoi sire votz enemis sont le plus esbaudez & confortez.

C. Soient desoremais tieles fr̄es lesseez p bone surete de les garder en auxi bone point en tutes choses come ceux furont au iour du lees. Et si eles democerent en la maine le Roi facent les Ministres en meisme la mafie, et s'ils ne facent soien repoinables au Roi & as heirs des dites fr̄es q̄nt ils ḡront de plain age & ce auxi bien du temps passe come du temps auenir.

C. Ensemēt sire pur ceo q̄ ascunes de votz Ministres Dirlande embracent plusours offices p couetise de auoir moulz des fees voillez sire pur vre p̄fit ordiner q̄ nul de votz Ministres illeoques ne eit q̄ vne office soulemēt.

C. Le Roi voet q̄ nul Ministre neit q̄ vne office & vn fee si necessite ne le demande ne q̄ Ministre le Roi tant come il est officer le Roi p̄eigne fee ou empensione de nully si le dit fee ou empensione ne lui fust ḡnte devāt qil feust Ministre le Roi & de ceo soient les Ministres iures deuant le Chief Justice ou son lieutenant illeoques.

C. A vre seign^r le Roi moustrrent votz lieges platz Countz Barons & les communes de vre fr̄e Dirlande q̄ come difses gentz de vre liegeance come Descoce, Gascoigne & Gales souent as temps passez ount leus^r contre lur seign^r liege tut temps sire votz lieges gentz Engleis Dirlande se sont ben & loialmēt contenuz deus lur liege seig^r & toutz iours ferront si a dieu plest maintenant vre dite fr̄e al oeps de votz pgenitours sire & de vo^r auxi bien encontre les Escots come les Irreys votz

[¶] *De guerre* inserted here in Close Roll.

VIII. Likewise, sire, if any lands escheat into your hand, in the March or out of the March, by way of custody, and be leased to any man, your officers do not allow any manner of costs expended in support of the said lands, by which default, Costs of maintaining leased lands, &c., not allowed.

sire, manors are wasted and destroyed, and castles thrown down, as appears in Ulster and in Connaught and elsewhere in your said land, whereby, sire, your enemies are the more emboldened and strengthened.

Henceforth let such lands be leased by good security to keep them in as good condition in all things as they were on the day of the lease. And if they remain in the King's hand, let the officers do in the same manner, and if they do not, let them be responsible to the King and to the heirs of the said lands, when they shall be of full age, and this as well for time past as for time to come.

IX. Likewise, sire, inasmuch as some of your officers of Ireland combine several offices, through greed of having a large amount of fees, be pleased, sire, for your profit, to ordain that none of your officers there hold but one office only.

The King wills that an officer have but one office and one fee, unless necessity demand it, nor that an officer of the King, while he is an officer of the King, take fee or pension of any, if the said fee or pension was not granted to him before he was an officer of the King, and to this effect let the officers be sworn before the Chief Justiciar or his lieutenant there.

X. To our lord the King show your lieges, the Prelates, Earls, Barons, and the commons of your land of Ireland, that whereas divers people of your allegiance, as of Scotland, Gascony, and Wales, often in time past, have levied [war] against their liege lord, all the time, sire, your English liege people of Ireland have conducted themselves well and loyally towards their liege lord, and always they will do so, if God please, holding your said land to the use of your progenitors, sire, and of yourself, as well against the Scots as the Irish your enemies,

enemys et ceo sire tut le plus a lours costages ppres comment sire q altremēt soit tesmoigne ailleurs p teux q sount mandes hors Dengletre de les goſſnir q eux ne ount gaires de connoisance de vre dite frē Dirlande ne q ont rienz ne poi a lur venir illeoſs dont ils poent viure & lur estat contenir tanq ils soient¹ cheuis p extorcions coloures de lours offices a qnt deſtruccioſ de vre poeple, comment sire qils reſeouient de vre Tresorie illeoſs lours fees dues & acouſtumez chescun p ſon office. Et votz pgenit's aire & vo' eiez done & gntes p votz chres as diſſes gentz de vre dite frē Tres & teſſ franchiſes gardes mariages & pardouns des dettes en regard p lours bones ſuices p vture ſire des queles chres ils enont eſte en peiſible poſſeſſion tantq ore ia nouelement q votz Miniftrès illeoſs p mandement hors Dengleſtre a ceo qils diſt eſtont repellez & pris en vre meine qntq votz pgenit's & vo' ſire auez enſi done & gnt auxi bien ceo q eſt done & gnt p bone et reſonable cauſe come autre, & ceo ſire contre la force du dit mandemēt & tut pur auer gentz en daunger pur lur ſinguler pfit quele choſe ſire ſembla a votz ditz lieges contre reſon depus q lurs ançtſtres & eaux lount ben deſeruy & deſeruont de iour en autre gardant & maintenant qntq en eux eſt la ſeignrie de vre dite frē a vre oeps p quoi vous pleſe ſire ordiner qils ne ſoient ouſtez de lurs francoſ teſſ ſantz eſtre apelle en iugement come la gnde chre voet.

C. Les frēs teſſ franchiſes & autres choſes donez et gntez p les pgenit's le Roi ſoient reſtituz & entierement liurez a ceux desqueux ils furont p's ſauue tout foitz au Roi ſon droit quele hure qil purra ent eſtre apris ou meulz enfourmee. Et les frēs teſſ & franchiſes & autres choſes donez & gntez p le Roy meſmes ſoient liures p bone & ſuffiſſante ſeure de les rendre entierement au Roi enſemblement oue les iſſues ent retenues puis le temps de la ſeurete trouee iſſint q apſ la

¹ *Etent, Close Roll.*

and this, sire, all the more at their own costs, although testimony to the contrary, sire, may be borne elsewhere by those who are sent out of England to govern them, who themselves have little knowledge of your said land of Ireland, and have little or nothing at their coming there by which they can live and maintain their position, until they are supported by extortions under colour of their offices, to the great destruction of your people, although, sire, they receive from your Treasury there their fees due and accustomed each for his office. And your progenitors, sire, and yourself have given and granted by your charters to divers people of your said land, lands and tenements, franchises, wardships, marriages, and pardons of debts, in reward for their good services, by virtue, sire, of which charters, they have been in peaceable possession, until now lately when your officers there by mandate out of England, as they say, have revoked them, and taken into your hand as much as your progenitors, and you, sire, have so given and granted, as well what was given and granted for good and reasonable cause as otherwise, and this, sire, against the force of the said mandate, and all for the purpose of having people in danger for their private profit; which thing, sire, seems to your said lieges contrary to right, inasmuch as their ancestors and they have deserved well, and do deserve from day to day, guarding and maintaining, as far as in them is, the seigniory of your said land, to your use; wherefore please it you, sire, to ordain that they be not ousted from their freeholds without being summoned in judgment, as the great charter wills.

The lands, tenements, franchises, and other things given and Answer. granted by the King's progenitors, let them be restored and Lands, &c., to be restored. delivered in their entirety to those from whom they were taken, saving always to the King his right, when he can be thereof apprised or better informed. And the lands, tenements and franchises and other things given and granted by the King himself, let them be delivered by good and sufficient security, to restore them in their entirety to the King, together with the issues retained thereout since the time of the finding of the

seurete troue ne soient ostez de celles f'res auant q la v'reite soit
seur ceo trie en cas q [tieux] douns & g'ntz soient trouez
repellables p resone come faitz p noun iuste cause ou faux
suggestione. Et en cas q les douns & g'ntz issit faitz p le Roi
soient trouez resonables & faitz p v'reie cause estoient en lur
force & soit la maine le Roi ostie & demorët les choses
peisiblement as ceux as queux eles furent g'ntez & donez. Et
les pdons des dettes [grantez] en temps le Roi meismes
estoient en lur force & surseasset les Ministres le Roi del
le[uer] au tiels dettes s' autelo surte t'ntq les causes des ditz
pdons soient duement trie sauve tute foitz le droit le Roi.

C. Ensemët sire come votz pgenito's & vous eiez done [€]
g'ntez p vos ch'res as ascuns de v're dite f're t'res & teñs a fee
ferme rendant p an a [votre] Eschequer de Dyuelyn lours
fermes solonc les extentes ent faitz a la v'reie value par v'tue
sire des queles ch'res ils ont este en peisable possessione des
ditz fermes tanq [ore] ia nouelemët q vos susditz Ministres p
colour du mandemët susdit eient repelle & pr[is] en v're mein
meismes celles fermes contre reson depuis sire q votz ditz
farmers p'stment paient lours ditz fermes & p'stz sont &
suffissantz a ceo faire seur quoi sire vo' plesa ordiner remedie.
Et voillez sire sauoir q si ceux f'res & teñs demoerassent en v're
maine vo' ne aueriez mie de cler la moite du profit come les
extentes amontent.

C. Soient les dites f'res & teñs lierez as ditz f'rmers p bone
seurte come deuant & soient veuz les extentes diceux & si eles
soient trouez resonables estoient en lur force & si nemie
soient extenduz de nouvel solonc ceo q les choses valoient au
temps du lees et soient ceux q les tindrent chargez de paier
solonc les nouvelles extentes & en celle manere les t'ignont
auant. Et q le Roi soit respondutz de les dites f'res de tant
come les f'rmers duossoit auoir renduz & de plus si la nouele

surety, so that after surety found, they be not ousted from those lands before the truth in this matter be tried, in case that [such] gifts and grants be found rightfully revokeable, as made by unjust cause or false suggestion. And in case the gifts and grants so made by the King be found rightful and made for good cause, let them stand in their force and let the King's hand be removed, and let the things remain peaceably to those to whom they were granted and given. And let the pardons of debts [granted] in the King's own time stand in their force, and let the King's officers surcease from levying such debts on the like surety, until the causes of the said pardons be duly tried, saving always the King's right.

XI. Likewise, sire, as your progenitors and you have given and granted by your charters to some of your said land, lands and tenements in fee-farm, rendering yearly at [your] Exchequer of Dublin their farms, according to the extents thereof made, at the true value ; by virtue, sire, of which charters, they have been in peaceable possession of the said farms until now lately, when your aforessaid officers, by colour of the aforesaid mandate, have revoked and taken into your hand these same farms, contrary to right, since, sire, your said farmers promptly pay their said farms, and are ready and sufficient to do it ; wherefore, sire, may it please you to ordain a remedy. And you should know, sire, that if those lands and tenements remained in your hand, you would not have clear the half of the profit that the extents amount to.

Let the said lands and tenements be delivered to the said Answer. farmers by good security as before, and let the extents thereof be viewed, and if they be found just, let them stand in their force, and if not, let them be extended anew, according to what the things were worth at the time of the lease, and let those who hold them be charged to pay according to the new extents, and in that manner let them hold them henceforward. And let the King be answered of the said lands of as much as the farmers ought to have rendered, and of more, if the new

extente le demande. Et sils eiont abatuz boys q le Roi soit responduz de tant come il valoit.

C. Ensement sire si nul g^{nde} ou meene de votz ditz liges deuie & vous soit tenutz en plus ou en meins, votz ditz Ministres santz moustrer somons seisen [e] pnent tantost en vre meine ses fr^{es} & te^{ns} bienz & chateux santz soeffrir ordenarie executour ou autre administrer de quei sire vo' ne pnez rien ne le heir est le plus descharge de la dette son ancetre t^{ntq}, gre soit fait a votz Ministres dont ils p^{ont} remedie.

C. Soit seisi tantq a la montance de la dette et soit le heir descharge de ceo q est leue des bens son ancetre et soit enquis de ceux q ont fait tieles oppositiones auant ces hures & puny come deuant. Et soit defendu qils ne seisont nulli biens sil ne soit dettour le Roi ou qil soit tenutz de rendre acompte au Roi et soit destresce fait tanq a la mountance de la dette & nemie outre & de tant come sra leuee des bens Lancestre soit le heir descharge. Et des autres bens Lancestre facent lordinaire & les executours ceo q a eux attient & soit enquis de ceux q ont seise en autre maniere & de ceo soient responsables a la suite le Roy & de ptie.

C. Ensem^{et} sire com^{et} q votz comandementz veignont souent a votz Ministres Dirlande de ouster la meine des fr^{es} & te^{ns} biens & chateux quels ils ont p^{is} & seisis en vre meine des gentz de vre dite fr^e Dirlande & a liber a eux lour fr^{es} & te^{ns} biens & chateux auantditz ensemblement oue les issues puis le temps de la prise ent resceuz en q meins qils soient deuenus votz ditz Ministres sire ne ont voluz les issues des dites fr^{es} & te^{ns} bens ne chateux auantditz solonc la force de

extent require it. And if they have cut down wood, that the King be answered of as much as it was worth.

XII. Likewise, sire, if any great man or inferior of your said lieges die, and he be bound to you more or less, your said officers, without showing summons, seize [and] take at once his lands and tenements, goods and chattels, into your hand, without suffering the Ordinary, executor, or other to administer, whereby, sire, you take nothing, nor is the heir the better discharged of the debt of his ancestor, until satisfaction be made to your officers, of which they pray remedy.

Let seizure be made up to the amount of the debt, and let Answer. the heir be discharged of what is levied of the goods of his ancestor, and let enquiry be made as to those who have hereto-
fore caused such oppressions, and let them be punished as before. And be it forbidden that they seize the goods of any, unless he be a debtor of the King, or that he be bound to render account to the King, and let distress be levied up to the amount of the debt, and not beyond, and that of so much as shall be levied of the goods of the ancestor, the heir be discharged. And as to the other goods of the ancestor, let the Ordinary and the executors do what to them appertains, and let enquiry be made as to those who have seized in any other manner, and let them be answerable therefor at the suit of the King and of the party.

XIII. Likewise, sire, although your mandates often come to your officers of Ireland, to remove the hand from the lands and tenements, goods and chattels, which they have taken and seized into your hand from the people of your said land of Ireland, and to deliver to them their lands and tenements, goods and chattels aforesaid, together with the issues received thereout since the time of the taking, into whatever hands they be come, your said officers, sire, have not been willing to deliver up the issues of the said lands and tenements, goods and chattels aforesaid, according to the force of your said

The King's
officers seize
goods, &c., of
a crown
debtor.

Seizure to the
amount of
debt allowed.

Officers not
delivering
back lands,
&c., seized.

votz susditz mandementz deliher, p quoi sire mit gentz de vre
dite frē sont ḡuement empoflez & abessez, sur quoi sire vo⁹
plese ordiner remedie.

C. Soit enquis sur ceo & ent fet droit des teux Ministres a
la suite le Roi & de ptie & ceo toutz les foitz q̄ home se sentera
en tele maſſe greue deuant le chef Justice ou son lieu tenant
de toutz les autres Ministres.

C. Ensement sire les Eschtours Dirlande font souent seisir
diſſes frēs en vre meine plus pur auoir le fee q̄ y atient de
lascher la meine des dites frēs q̄ p cause resonable a ḡnde
opſſion de vre poeple & nul pſit a vo⁹ sire, p quoi vous [pleiſe]
sire ordiner q̄ nul Eschetour desore mais ſeigne fee la ou trie
soit a suite de ptie [la] seſſine issint fait p eux nient
droiturel.

C. Soit defenduz q̄ p la ou ils seisent p noun[iu]ſte cause
qils ſeignent nul fee, & tut soit ceo qils seisent p iuste cause ne
preignent autre fee q̄ ne font les eschetours en Engleſſre. Et
soit mande en Irlande quele [fee] les eschet's pnont en
Engleſſre.

C. Ensement sire ascuns gentz p meins resonable suggestion
ount suy brefs hors de vre Chancellerie Dengleſſre al lieutenāt
vre Justice Dirlande a faire venir le corps dascunes gentz
enditez en Irlande a respondre sire deuant vo⁹ en Engleſſre
des felonies & trespasses supposez estre fait en Irlande, quelle
choſe sire est encontre cōe ley & reson pur quoi vo⁹ pleſe sire
ordiſſ q̄ la ley se face de teux enditez desore mais en Irlande
come tout temps en cea ad este fait.

C. Soit fait sauuez tresons & chose q̄ touche la peſone le
Roi.

C. Ensement sire mouſtrent votz ditz lieges q̄ la ou les
Irreis votz enemis q̄ marchent & ioignent as diſſes Countez
ſe leuent de gerre si est ſuffert q̄ lun Counte tiegne pees en¹

¹ *Ou. Close Roll.*

mandates, by reason of which, sire, many people of your said land are grievously impoverished and abased: wherefore, sire, may it please you to ordain a remedy.

Let enquiry be made in this matter, and right done therein Answer. of such officers at the suit of the King and of the party, and Such to have this every time any shall feel himself aggrieved in such manner, suit against them before the Chief Justiciar or his lieutenant, of all the other officers.

XIV. Likewise, sire, the escheators of Ireland often cause divers lands to be seized into your hand, more to have the fee Escheators' fees on unjust that there appertains to removing the hand from the said lands than for reasonable cause, to the great oppression of your people, and no profit to yourself, sire; Wherefore may it please you, sire, to ordain that no escheator henceforth take fee, where the seizure so made by them unjustly be tried at suit of the party.

Be it forbidden that where they seize for unjust cause, they Answer. take any fee, and albeit they seize for just cause, that they They to take same fees as take any other fee than do the escheators in England. And let in England. that [fee] which the escheators take in England be sent into Ireland.

XV. Likewise, sire, certain people by unreasonable suggestion, have sued writs out of your Chancery of England, to the lieutenant of your Justiciar of Ireland, to cause the bodies of certain people indicted in Ireland to come to answer, sire, before you in England, for felonies and trespasses alleged to have been committed in Ireland, which thing, sire, is contrary to the common law and right; wherefore, sire, may it please you to ordain that the law be executed on those indicted henceforth in Ireland as has always been done heretofore.

Let it be done, saving treasons and anything that touches Answer. the King's person.

XVI. Likewise, sire, your said lieges show that whereas the Partial truces Irish, your enemies, who border on and join divers counties, or peaces. themselves levy war, it is suffered that one county hold peace

trewe oue les ditz Irreis enimis tantcome ils guerrent & destruent votz lieges des autres Countes veisnables. Et ensement sire ascunes dune Conte tenent pees ou trewe oue les ditz Irreis enimis tantcome ils guerront & destruent leurs veisins de meisme le Conte, seur quoi sire vo⁹ plese ordiner remedie.

C. Soit defendu q nule trewe ne pees se p^{re}igne si noun p toutz & si nul face al encontre soit tenutz de couigne des enimis.

Ensemēt sire la ou les Irreis vos enimys destruent & occupent les Pres de votz lieges p gerre tant auant qil bosoigne q votz Ministres y uiegnent pur remedie mettre si pnent ils trewe ou pees oue les ditz Irreis et les soeffrent occuper les dites frēs p eux destruizt auxi ben a^{fs} la trewe ou pees come deuant, et si nuls de votz ditz lieges as queux celes Pres son se enforcent de oster les ditz Irreys des dites frēs durant la dite trewe ou pees, votz ditz Ministres p celle encheson pnont greuousemēt deus eux & les font pndre & empisoner & en p^{re}one detenir & mettre a fyn & raunceon p quelle cause sire ils ne se osent mes medler de leurs dites terres issint occupez p force repurchaser et issint sire diusse frēs de votz lieges en meines de votz enimis Irreys toutz iours demoerent sur quoi sire vo⁹ plese ordiner remedie.

C. Soit defenduz q desoremes q^{nt} nulle trewe ou pees serra p^{is} q nule trewe ou pees ne soit mie g^{nte} as enimys en maſſo q les frēs le Roi ou dautri demoerent deuers les enimys durant la trewe ou pees, einz safforcent les ditz gentz le Roy de recodir ceo qest en tele maſſe pdutz santz estre chalange ou enpeschee p celle cause.

C. Ensement sire moulz gentz ont diusse seignries & frēs en vre Pre Dirlande quel ne y menont¹ point mesmes ne y mettōt costages p^r leurs dites seignries & frēs meintenir ainz les baillont ascuns a ferme & ent pnent ceo qils poent auoir & ascuns

¹ queux ny deignent. Close Roll.

or truce with the said Irish enemies, whilst they war on and destroy your lieges of the other neighbouring counties. And likewise, sire, some of one county hold peace or truce with the said Irish enemies, whilst they war on and destroy their neighbours of the same county, on which, sire, may it please you to ordain remedy.

XVI. Be it forbidden that any truce or peace be made Answer. unless by all, and if any do the contrary, let him be held as Truces to be general. in league with the enemy.

XVII. Likewise, sire, whereas the Irish, your enemies, Lands occupied by the Irish enemy during truces held by them after. destroy and occupy the lands of your lieges by war, until there be need that your officers come thither to make remedy, so they make truce or peace with the said Irish, and suffer them to occupy the said lands by them destroyed, as well after the truce or peace as before; and if any of your said lieges to whom these lands belong, endeavour to oust the said Irish from the said lands, during the said truce or peace, your said officers on that account act grievously towards them, and cause them to be taken and imprisoned, and detained in prison, and put to fine and ransom, for which cause, sire, they dare not interfere to regain their said lands so occupied by force, and so, sire, divers lands of your lieges remain always in the hands of your Irish enemies; on which, sire, may it please you to ordain remedy.

Be it forbidden that henceforth when any truce or peace Answer. shall be taken, that any truce or peace be granted to the enemy This forbidden. in a way that the lands of the King or any other remain in the hands of the enemy during the truce or peace, but let the said people of the King try to recover what is in such manner lost, without being on that account challenged or impeached.

XVIII. Likewise, sire, many people have divers seigniories and lands in your land of Ireland, which they do not themselves manage, nor do they there expend money for maintaining their said seigniories and lands, but they let some to farm, and take thereout what they can have, and some remain in the Proper maintenance of lands, &c.

demoeront en meines des fiebles gardeins issint sire q̄ p
desaute q̄ hom ne y mette point custages damender & ben
garder les dites seignries et f̄res meismes celles & autr's f̄res
veisnables p celle cause sont moult destruitz seur quoi sire vo'
plese remedie ordiner.

C. Soit vewe lordinance faite auant ces hures en ceo cas &
si rien y soit damender soit amende & mande en Irlande &
fournie en toutz pointz.

C. Ensement sire chescune an veingnont hors de v̄re
Eschequer de Dyuelyn deux de votz Min[istres] as votz costages
pur trier la verte cire en chescun Conte & q̄nt f̄mes sont
assignez p vos ditz Ministres as dettours pur paier ceo q̄ poet
estre leue come est troue p veredite denqu[este] pr' quelle
chose enquerre & la dette atl'miner chescune des dett's donne
largement de [sein] as ditz Ministres quele chose faite a
plutost q̄ votz ditz Ministres veignont a v̄re [dit] Eschequer ils
font mander garantz as vescontz a destreindre & leuer lantier
de ches[cun] endette nient eiantz regard as f̄mes issint ḡntez
a damage sire de vo' & op̄sion de [votre] poeple dount sire
ils p̄ont remedie.

Soit defendu q̄ desoremes nul dette soit atf[mine] hors
de Leschequer. Et q̄ le Chanceller ne le Tresorer Dirland ne
atl'minent nulle d[ette] q̄ passe CCC. libres santz lassent de
le Justice Dirlande ou son lieutenant. Et soit enquis de ceux
q̄ ont resceux les deniers en pais & nont pas acq'itez les pties et
[soit] fait droit &c.

C. Ensement est ordinez q̄ nul ple de dette ne de acompte
ne [autre] cōe plee soit plede en Leschequer forsp's de ceux q̄
demoerent ouesq; Ministres de [mes]me la place.

C. Ensement sire des vescontz Coroners souzeschet's
Baillifs res[ceuours] & autres votz Ministres q̄ sont eslutz
contre estatut cest assauoir Cink ou Sys front destreintz de
venir & faire lur serement des queux ceux q̄ ne voillent estre
& la volente de votz Ministres front ranceonez auant qils

hands of weak guardians, so, sire, that by default of not spending money in improving and keeping well the said seigniories and lands, these same and other neighbouring lands for that reason are much destroyed ; whereupon, sire, may it please you to ordain remedy.

Let the ordinance heretofore made in this case be viewed, *Answer.* and if there be anything therein to amend, let it be amended, *Ordinance hereon to be performed.* and sent into in Ireland, and performed in all points.

XIX. Likewise, sire, each year there come from your Ex- *Warrants to distrain where terms for payment of debts granted.* chequer of Dublin two of your officers, at your costs, to try the "Green Wax," in every county, and when terms are assigned by your said officers to debtors to pay what can be levied, as is found by verdict of inquest, for making which inquest and attermoring the debt, each of the debtors gives freely of [his own] to the said officers, which thing done, immediately that your said officers come to your [said] Exchequer, they cause warrants to be sent to the sheriffs to distrain and levy the entire of everyone indebted, not having regard to the terms so granted, to the damage, sire, of yourself, and the oppression of [your] people, for which, sire, they pray remedy.

Be it forbidden that henceforth any debt be attermored out *Answer.* of the Exchequer, and that the Chancellor or Treasurer of Ire- *No debt to be land attermored out of the Exchequer.* land attermore any [debt that] exceeds 300 pounds, without the assent of the Justiciar of Ireland or his lieutenant ; and let enquiry be made of those who have received money in the country, and have not acquitted the parties, and let right be done, &c.

Likewise it is ordained that no plea of debt or of account *No common plea in the Exchequer.* nor [other] common plea be pleaded in the Exchequer, save of those who abide with the officers of the same place.

XX. Likewise, sire, of the sheriffs, coroners, under-es- *Abuses in election of sheriffs, &c.* cheators, bailiffs, receivers and other your officers who are elected contrary to the statute, that is to say, five or six be compelled to come and make their oath, of whom those who wish not to be at the will of your officers, be ransomed before

puissent estre deliurez & ceux q̄ voillent estre en office ferront pur quoi auant qils ſront iures & ceux q̄ ſront resceux en telle maſſe ſront remuez santz renable cause ou acompte rendre si nul autre vodra plus doner; Issint sire q̄ les successors de tiels vescontz nallowent mie les tailles ne les diuidendes lurs predecessours.

C. Soit enquis de ceux q̄ ont ensi greue le poeple & soient duemēt puniz auxi bien a la suite de ptie come a la suite le Roi. Et lentencion le Roi est q̄ les gentz de chescune Conte elisent chescun an en Leschequer devant le Chanceller Tresorer & autrs du consail peone suffissant q̄ soit reſeant & eit de quoi respondre au Roi en meisme le Conte pur l'office des vescontz Et q̄ les vescontz eslutz en tele maſſe demoergent en l'office p̄ vn an sans estre remuez si noun p cause resonable; et q̄nt ils ſront ensi remuez soit fait nouvelle eleccione p gentz des Contez en la maſſe auantdit.

C. Et pur ceo q̄ ordeine est de nouelle en Englet're q̄ ceux q̄ sont vescontz soient auxi Eschet's en mesme les Contez ou ils sont vescontz si semble il au Roi q̄ fait affaire en meisme la maſſe en Irlande depuis q̄ lescheto illeoqs prent xl. libres p an pur son fee & fet poi de profist. Mes ceste chose met le Roi en discretion del Justice Dirlande ou lieu tenant Chanceller Tresorer & autres du Consail de faire en mesme la maſſe en Irlaund ails veient q̄ ceo soit al pfit le Roi tantq le Roi soit ent meultz auiser. Et voet auxint le Roi q̄ nul autre Ministre q̄ resceiuera les deniers le Roi & soit acomptable ne soit fait ne resceu sil ne soit suffissant de respondre au Roi.

C. Ensement sire coment vescontz ou autre officer q̄ soit arestuz sur son acompte en v̄re Eschequer & comande a la Marchalcie paiera chescune nuyt al Mareschal dī Marc pur lur¹ fee quele chose sire lur semble ḡnde oppſſione.

they can be discharged, and those who are willing to be in office have to do somewhat before they be sworn, and those who be received in such manner be removed without reasonable cause, or rendering account, if any other be willing to give more, with the result, sire, that the successors of such sheriffs do not allow the tallies or the indentures of their predecessors.

Let enquiry be made as to those who have so aggrieved the Answer. people, and let them be duly punished, as well at the suit of the party, as at the King's suit. And it is the King's intention Sheriffs to be that the people of every county elect each year in the Exchequer, ^{elect by the county each} before the Chancellor, Treasurer and others of the Council, a year. sufficient person who is resident and has whereof to answer to the King in the same county, for the office of sheriff. And that the sheriffs elected in such manner remain in office for one year, without being removed, unless for reasonable cause, and when they shall be so removed, let a new election be made by the people of the counties, in manner aforesaid.

And inasmuch as it has been newly ordained in England Sheriffs to that those who are sheriffs be also escheators in the same ^{be escheators, as in England} counties where they are sheriffs, it seems to the King that it should be done in the same manner in Ireland, since the escheator there takes 40 pounds yearly for his fee, and makes little profit; but this matter the King places in the discretion of the Justiciar of Ireland or his lieutenant, the Chancellor, Treasurer and others of the Council, to do in the same manner in Ireland, if they see that this be to the profit of the King, until the King be thereof better advised. And the King also wills that any other officer who shall receive the King's money and be accountable, be not made nor received if he be not sufficient to answer to the King.

XXI. Likewise, sire, a sheriff or other officer who is arrested Fees to on his account in your Exchequer and commanded to the ^{marshal by} _{those arrested.} Marshalsea, has to pay every night to the Marshal half a mark for his fee, which thing, sire, seems to them great oppression.

C. Soit fait en ceo cas come est fait en Engleſtre si lusage de la dite terre Dirland le demande & soit la maſte vewe & mandez en Irlande.

C. Ensemēt ſire coment briefs ſont mandez ſouent a prendre en vre maine frēs de diſſes [gentz] pur dette p malice & pur pndre auantage as Miniftres et ceo encōtre cōe [ley].

C. Soit defenduz q nul Miniftre le Roy ne face mes en la manere. Et ſoit enq̄s de ceus [q ou]nt enſi fait & ſoient puniz ſolonc lur deſert a la ſute le Roi & de ptie.

C. Enſement [ſire] coment votz Miniftres pnen vittailes & cariages en paſs p lours garanſ santz rienz [paier] ſauue relement coment qils purent trouer aſſez des vittailes en villes Marchez [pur] lurs deniers. Et q̄nt ils paient p^r lours vittailes ceo ſerra a lur volente santz [rienz] paier pur cariage, et ceo auxi bien deſ gentz de ſainte eglise come dautres.

Soit defenduz q les Miniftres le Roi ne facent p^{iſe} des vittailes ne ne p̄ſignent cariage ſi neceſſate ne la demande pur les bosoignes le Roi & adonq̄s paiont ils pur [les ditz] vittailes & cariages couenablemēt come est fait en Engleſtre ſauue toutz foitz q le Chief Justice ou ſon lieutenant purra pndre vittailes & cariages pur lurs deniers paier ſolonc la p^{iſe} le Roi et les vſages reſonablemēt auant ces hures illeq̄s vſez. Et ſi nul eit fait al enſcontre ſoit puniz come deuant.

Enſemēt ſire¹ votz Miniftres font crier real ſuice pmi vre dite frē ſantſ aſſent des gntz de vre dite frē & ſantſ neceſſate & mettent les ſuices q deuſſent eſtre faitz p corps en deniers a g^{nde} opſiſſione de poeple.

C. Il eſt al Justice de faire ſomondre les ſuices le Roi quele hure q il voie q mes² ſoit de chiuacher de gerre² q eſt de

¹ coment here in Close Roll.
² en terre inserted here in Close Roll.

Be it done in this case as is done in England, if the usage of the said land of Ireland require it, and let the manner be viewed and sent into Ireland.

XXII. Likewise, sire, writs are often sent to take into your hand lands of divers [people] for debt, through malice and to take advantage to the officers, and this against the common [law.]

Be it forbiddeu that any officer of the King act in this manner. And let enquiry be made of those who have so done, and let them be punished according to their desert at the suit of the King and of the party.

XXIII. Likewise, sire, your officers take victuals and carriages in the country by their warrants, without [paying] anything save by regulation, although they can find enough victuals in the market towns for their money. And when they pay for their victuals, this shall be at their will, without paying [anything] for carriage, and this as well of people of Holy Church as of others.

Be it forbidden that the King's officers make prise of victuals or take carriages unless necessity demand it for the King's needs, and then that they pay for [the said] victuals and carriages suitably, as is done in England, save always that the Chief Justiciar or his lieutenant shall have power to take victuals and carriages for payment of their money, according to the King's prisage and the usages reasonably heretofore accustomed; and if any have done to the contrary, let him be punished as before.

XXIV.—Likewise, sire, your officers make summons to the royal service throughout your said land, without assent of the people of your said land and without necessity, and they compound in money for the services which ought to be performed in person, to the great oppression of the people.

It appertains to the Justiciar to make summons to the King's service, whenever he sees that there be necessity to ride to war, in land which is at war, and was at the time that these who owe to the King's

Answer.
To be as in
England.

Writs
through
malice, &c.

Answer.
Forbidden.

take victuals,
&c., without
payment.

Forbidden,
unless of
necessity.

Answer.
The Justiciar
to summon
to the King's
service.

guerre & feust al temps q̄ ceux q̄ deiuent celles ſuices furent feffez & q̄ les ſuices le Roi fe facent en corps ou en deniers solonc la tenure de leurs feffementz.

C. Ensemēt sire come yliſoient en chescun Marche de vre dite Pre Dirland assez & plus des Irreis enemys de greuer vos gentz Engleis q̄ ne sont de poer de les arester sauue la grace de dieu q̄ lur meintient sire plus lur greue les extorcions & oppiſſions de votz Ministres q̄ ne fait la guerre des ditz Irreys Car sire q̄nt votz Ministres soient en Contez a tenir plees ils afſcienſt ceux q̄ meinent en Marche greuouement santz auoir regard de lur meschief.

C. Soient afſciez reasonablemēt & afferez solonc la fourme de la g^{nde} chre.

C. Enſement sire coment Peers de la Pre Ministres & autres gentz ſont p̄is & empionez santz enditement & leurs bens & chateaux ſeizis en vre main dont sire rienz ne vient a vre pſit & ne poent pas eſtre deliurez a¹ la ley mais ſont detenutz en pſone a la volente de votz ditz Ministres quele chose ſire leur ſemble g^{nde} oppiſſione.

C. Soit defendu au Chanceller q̄il ne face chose q̄ soit encontre ſun ſment & q̄il ne ſoeffre nul bref passer le ſeal le Roi ſi nel poet auower p̄ la ley & q̄ils mandent as toutz Ministres q̄il ne ſeignent les corps ne les fr̄es de nully santz enqueſte q̄ p̄ra eſtre auowe p̄ ley.

C. Enſement pur ceo q̄il est vſee en Engleſtre q̄il y ſoient en chescun port de la dite Pre deux custumis vne Contrerouleur & vne tronour & coket de reſceuire toutz maneres des Custumes, ſi voet le Roi q̄ hom face en meisme la maſſe en Irland & q̄ils y ſoient ealuz deuant le Justice ou ſon lieutenant Chanceller Tresorer & auſſis de Consail illeoq̄s, & q̄ le fee q̄ les Custumis ſoloient þudre tourne deſore au pſit le Roi.

such services were enfeoffed ; and that the King's services be rendered in person or in money, according to the tenure of their feoffments.

XXV.—Likewise, sire, although there be in every march of Dwellers in your said land of Ireland, enough and more of the Irish ^{marches} ~~heavily~~ ^{amerced} enemies to trouble your English people, who have not power ~~amerced~~ to stop them, save the grace of God, which maintains them, sire ; still more do the extortions and oppressions of your officers trouble them than does the war with the said Irish ; for, sire, when your officers are in the counties for the purpose of holding pleas, they amerce those who dwell in the march ^{heavily}, without having regard to their misfortune.

Let them be amerced reasonably, and assessed according ^{Answer.} ^{To be reasonably amerced.} to the form of the great charter.

XXVI.—Likewise, sire, peers of the realm, officers and other people are taken and imprisoned without indictment, and their goods and chattels seized into your hand, of which, sire, nothing comes to your profit, and they cannot be delivered to the law, but are detained in prison at the will of your said officers, which thing, sire, seems to them great oppression.

Be it forbidden to the Chancellor that he do anything that ^{Answer.} ^{Writs not to pass the seal unless the Chancellor can avow.} may be contrary to his oath, and that he suffer not any writ to pass the King's seal, if he cannot avow by the law, and that they command all officers that they take not the bodies or the lands of any, without inquest which can be avowed by law.

XXVII.—Likewise, inasmuch as it is used in England, that there be in every port of the said land two customers, one controller, and one weigher, and cocket to receive all manner of customs, the King wills that it be done in the same manner in Ireland, and that they be chosen before the Justiciar or his lieutenant, the Chancellor, Treasurer, and others of the Council there, and that the fee which the customers were wont to take be turned henceforth to the King's profit.

C. Ensement voet le Roi q̄ vne clerc des gages de gerre soit fait p cōmissione Dengleſtre, et qil s'uoye & mette en escript le nombre des gentz darmes & d'autr's q̄ resceuirent gages & des toutz les chiuaux q̄ ſront priſes q̄nt le Justice ou son lieutenant chiuachera de gerre & le pris de meismes les chiuaux p vewe de Mareschal del host & ceux q̄ deiuent tenir gentz darmes en ſten sur lur fee ne þeignent rienz pur le noumbr qils deuroient de reson tenir [mais] pur ceux qils tendront outre dencreſce & ceo q̄nt necessite le demande & ne [my au]trenement. Et q̄ nul Ministre ne þeigne rienz pur sa meinee qil tient adesse[ment] si noun son fee acostume. Et q̄ nuls tiels gages soient paiez si noun p meisme [ceſte] clerc, et qil soit acomptable en leschequer illeq̄s ne q̄ restore des chiuaux [ſe face] sahtz la vewe & tesmoignance des auantditz clerc & Mareschal solonc ceo [qil] est vſee en guerre.

¹ The King to his beloved and faithful archbishops, bishops, earls, barons and commonalty of the cities, burghs and towns of his land of Ireland, greeting. We have heard the letters which you have sent by our beloved and faithful brother John Archer, prior of the Hospital of St. John of Jerusalem in Ireland, and Sir Thomas de Wogan, and the explanations, together with the requests which they have made to us on your part. Accordingly, we cause you to know that the said prior and Sir Thomas have well and discreetly made us acquainted with the state of our said land, and much commended your good disposition towards us, which we regard with satisfaction, and we are sensible of your very good concern therein. And so it is greatly at our heart to make fitting ordinances for the good government of the said land, to the honour of God, and maintenance of the law, and for the profit and ease of ourselves and of you. To which end, you will, as far as to you and every of you apertains, lend your aid and counsel, according to your judgment and power, and always act towards us, in accordance with your duty, and thereupon you will find us so gracious towards you, that you yourselves shall be reasonably contented. And so we have had ample deliberation on your said petitions, and by good advice of the wise men of our council, have made suitable answers severally to each of them.

The purport
of the answers
to be published
and observed
in Ireland.

Which petitions, together with the said answers, we have caused to be delivered to the said prior, our chancellor, and to the said Sir Thomas, sealed under our great seal, to carry back to our said land, to the end that

² The text taken from Close Roll (Engl.) 16 Edward III, part 1, m. 24d. is found in Bymer's *Fœdera*, vol. II, part 2, p. 1193.

Likewise, the King wills that a clerk of the war-pay be appointed by commission out of England, and that he survey and put in writing the number of men at arms and others who shall receive pay, and of all the horses which shall be taken in prize, when the Justiciar or his lieutenant shall ride forth to war, and the price of the said horses by view of the marshal of the host, and that those who ought to keep a fixed number of men at arms upon their fee take nothing for the number that they ought of right to keep, [but only] for those that they shall keep over and above, and this when necessity demands, and not otherwise. And that no officer take anything for his household that he constantly retains, save his accustomed fee. And that no such wages be paid except by the said clerk, and that he be accountable in the Exchequer there, and that restitution of the horses be not made, without the view and witness of the aforesaid clerk and marshal, according to what is accustomed in war.

they be there published and observed, according to the purport of the said answers in all points.

And whereas we lately thought, with God's help, of going in force to France for the recovery of our rights, and arranged to have then a band of our good men of Ireland in our company, as in our mandates given to our officers of those parts, which they can show you, is more fully contained. So we pray and charge you that, for the effectual and speedy accomplishment of our said mandates, you will so give aid, that we may the better feel your affection, which always displays itself best in need.

And whereas certain articles were ordained as a statute¹ in our parliament held at Westminster in the quinzaine of Easter in the fifteenth year of our reign, now the said statute, for good and just cause, is duly and altogether repealed, and accordingly our writs sent throughout our realm of England for publishing the same, are repealed.

Accordingly, we will that none in our said land of Ireland cause the said statute to be published or observed, but that it be not observed by any one, and be void in all respects.

Given at Westminster the 14th day of April.

Request of an
aid for expedi-
tion to France.

Repeal of
Statute of
Westminster,
15 Ed. III.

¹See *Statutes of the Realm*, I, p. 296. There is now no trace of any writ or ordinance transmitting this Statute for observance in Ireland.

18 EDWARD III. A.D. 1344

[CLOSE ROLL, 18 EDWARD III. ART. 134.]

Breve pro
Rege de
proclamaçone
facienda.

REX Senescalio libtatis Kyldar salim Quia Les Obrynnes
les Otohils les M'urghes & les Onolans hibnici vna
cū complicibz suis & scuela sua iam de guerra cont^a nos &
fidelem populū nrm insurrexerunt homicidia deßdaçones
incendia & alia mala que pofunt indies ppetrando Tibi pcipian'
qd infra libtatem pdcam diebz & locis quibz melius expedire
videris publice ex pte nra pclamari faç ne qui cuiuscūq status
seu condiçois fūint sub forisfcura oim que erga nos forisfaçe
poñunt aliqua victualia equos aut armaturas quascumq eisdem
hibnicis dum sic de guerra existant ministrent aut
vendant quoquo modo, ac eciam publice infra libtate illam
simili^p pclamari faç qd vna pax & vna guerra p totam fram
nram Hibn teneat^r. Ita qd si guerra in vno Com p conuicinos
Hibnicos moueat^r qd omes Com adiacentes eidem Com sic de
guerra g^avati succurrant & auxilient^r ad guerram illam p viribz
sedand^r iux^a formā cuiusdam ordinaçois in pliamento nro nup
apud Dublii tento de cōi consilio Pre nre pdce fce. Et si
quos post pclamaçonem huiusmodi rebelles aut cont^ariantes
inuefis de nōibz eo^r Justic nro Hibn sub sigillo tuo distincte &
apte constare faç. T. Rad^o de Ufford Justic nro Hibn apud
Dublii xviii die Julii.

Consimilia bria dirigunt^r senescallis libtatū Kylkenⁿ &
Weyseford & vi^c Cath.

18 EDWARD III. A.D. 1344.

THE King to the seneschal of the liberty of Kildare, ^Wit by the greeting. Whereas the O'Byrnes, the O'Tooles, making ^{King as to} proclamation. the M'Murghes, and the O'Nolans, Irishmen, together with their accomplices and following, have now risen in war against us and our faithful people, in daily perpetrating to the utmost of their power, homicides, depredations, burnings, and other evils, we command you that you cause to be publicly proclaimed on our behalf within the liberty aforesaid, on the days and at the places that you may think best, that none, of whatsoever state or condition they be, under pain of forfeiting everything that they can forfeit to us, supply, send, or in any manner sell to the said Irish while so at war, any victuals, horses or arms; and also cause to be proclaimed publicly within the said liberty that one peace and one war be observed throughout our entire land of Ireland. So that if war be stirred up in one county by the neighbouring Irish, that all the counties adjacent to the said county so burdened with war may aid and help in putting an end to that war with all their power, according to the form of a certain ordinance made in our parliament lately held at Dublin by the common council of our aforesaid land. And if, after such proclamation, you find any rebellious or gainsayers, that you cause their names distinctly and openly to appear under your seal, to our Justiciar of Ireland.

Witness Ralph de Ufford, our justiciar of Ireland, at Dublin the 18th day of July.

Like writs are directed to the seneschals of the liberties of Kilkenny, and Wexford, and the sheriff of Carlow.

23 EDWARD III. A.D. 1349.

[LIBER ALBUS, CORPORATION OF DUBLIN, FOL. 91b.]¹

Hic incipiunt statuta de seruientibus et operariis.

EDWARDUS dei grā Rex Angl & ffriancie & Dns Hibū Maiori & baltis Ciuitat sue Dubliñ saltm. Quia magna pars populi & maxime oparioꝝ & seruientū iam in ista pestilencia est defuncta, nonnulli videntes necessitatē dnoꝝ & paucitate ſuientū seruire nolunt nisi salarioꝝ recipient excessiuꝝ & alii mendicare malentes in ocio q̄m per laborem querere victū suū, Nos pensantes ḡuia que ex carencia p̄ſertim cultoꝝ & oparioꝝ hui'modi p̄uenire² possent incomoda, sup hoc cum platis & nobilibꝝ & pitis aliis nobis assistantibꝝ, delibacoem habuim' & t̄ctatum, de quoꝝ vnanimi consensu & cōſilio duximus ordinand q̄d quilibet homo & femina regni n̄ri Angl cui'cūq condicōis fuerit libe v̄ ſuiliſ potens in corpe & infra etatē sexaginta annoꝝ non viueus de m̄catura, n̄ ſtum ex̄cens artificiū n̄ ſiens de ſuo pp̄io vnde viue, v̄ ſtam pp̄iam circa culturam cui' ſe poſit occupar & alfi nō ſuientiſ ſi de ſuiendo D. recusando. in ſeruicio cōgruo considerato ſtatū ſuo fuit requisitus ſuire de ſeruendo. teneat illi qui eū ſic duxit requirend & p̄cipiat dūtaxat, vadia libaçōes m̄cēdes ſeu ſalary que in locis vbi ſeruire debeat conueta ſunt p̄ſtari anno r̄ n̄ Angl vicesimo v̄ annis cōibꝝ q̄nq v̄ sex annoꝝ³ p̄cedentibꝝ. Provoſo q̄d dñi p̄ferant̄ aliis in Natiuis v̄ ſtam ſuam *Natiuam*³ tenentibꝝ in ſuicio ſuo retineand. Ita in q̄d hui'modi dñi ſic retineant tot quot ſibi ſuunt necessarii, & non plures. Et ſi talis vir v̄ mulier ſic de ſuiendo requisit̄ fuit v̄ ſuere & hoc faſe noluerint, hoc p̄bato p̄ duos tideles hōies coram viç, Baltio, dno, aut constabulario ville vī hoc fieri contigit, ſtatim p̄ eos v̄ eox aliquē capiat̄ & mittat̄ pxio gaole & ibidē ſub arta moret̄ custodia quousq inueſtit ſecuritatē de ſuiendo in for̄ p̄dca. Et

¹ The ſtatute of Labourers, enacted in England, 23 Edward III, was transmitted to the various ſheriffs by writs, which commanded them to publish it in the cities, towns, &c., within their bailiwicka. A ſimilar course was probably adopted at the time with reference to its observance in Ireland, but the only copy known to exist is the above, contained in a writ ſpecially addressed to the mayor, &c., of Dublin. Clause 14 of the ordinances, enacted in a great council held at Kilkenny two years later, viz., in 1351, (which ſee) provided that the ſtatute of Labourers ſhould be ſent by writ to all ſheriffs, mayors, &c. Where the original of above is defective, omissions have been ſupplied from the text printed in *Statutes of the Realm*, I., p. 307, taken from *Close Roll* (Eng.), 23 Edw. III., pt. I, m. 8d.

² prouenire in *Close Roll*.

³ Omitted in *Close Roll*.

23 EDWARD III. A.D. 1349.

HERE BEGIN THE STATUTES CONCERNING SERVANTS AND
LABOURERS.

EDWARD by the grace of God, king of England and France and lord of Ireland, to the Mayor and bailiffs of his city of Dublin, greeting. Inasmuch as a great part of the people, and especially of labourers and servants, have lately died in the present plague, some, seeing the necessity of masters and scarcity of servants, are unwilling to serve unless ^{Scarcity of} servants. they receive excessive wages, and others prefer to beg in laziness rather than obtain their livelihood by labour; we, considering the serious inconveniences which might arise from a lack especially of husbandmen and such labourers, have hereupon had deliberation and treaty with the prelates and nobles and other experienced men assisting us, by whose unanimous consent and advics we have thought fit to ordain, that every man ^{Who shall be} and woman of our realm of England, of whatsoever condition, ^{bound to} serve when free or servile, being able in body and under the age of ^{required.} sixty years, not living by trading, or practising a certain craft, or having a livelihood of his own private property, or land of his own, in the husbandry of which he can occupy himself, and not serving another, if he shall be required to serve in suitable service, considering his condition, be bound to serve him who shall think fit to require him, and receive only the wages, liveries, rewards or salaries which were ^{Rate of wages.} customary to be offered in the places where he ought to serve, in the twentieth year of our reign, of England, or in the five or six ordinary years preceding; provided that the lords be preferred to others in the retention in their service of villeins or tenants of their villein land, so nevertheless that such lords thus retain as many as they shall need and no more. And if ^{Those refus-} such man or woman be thus required to serve and refuse to do ^{ing service to} be imprisoned. so, upon proof hereof by two faithful men before the sheriff, bailiff, lord or constable of the town where this shall occur, that he or she immediately be taken by them or any of them, and sent to the nearest gaol, and there remain under close guard until he find surety to serve in form aforesaid.

si aliquis [messor falcator aut alias operarius vel seruiens cuiuscunq^u status fuit seu conditionis]¹ in ſuičo alič ſic retent^{ur} autē finē Pmini concordati a dco ſuičo abeq^u cauſa ſonabili vt licencia recesserit, [penam imprisonmenti ſubeat, et]² nullus ſub [eadem]² pena imp'ſonamti³ talem in ſuičo ſuo recipe vt retinere pſumat. Nullus eciā vadia libačoēſ ſiccedes ſeu ſalaria maiora ſolito ſicut pdc̄m eſt ſoluat vt ſoluere pſumat⁴ ſub pena dupli illius qd ſic ſoluerit vel ſoluere promiserit,⁵ illi qui ex hoc ſenſerit ſe guatū, et nullo tali volēte pſequi tunc euicūq^u de p̄plo qui hoc pſecut^{ur} fuit applicand^{ur} & fiat bui^umodi pſecučo in Cuř dñi loci quo talis [casus]² acciderit. Et si dñi villaž vt Maſſioꝝ cont^{ur} pſentē ordinačoem nram p se vt p ministros ſuos [in aliquo venire pſumperint, tunc in Coꝝ Wapentach & Trithingis, vel aliis Cuř nris huiusmodi ad penā tripti p eos vel ministros ſuos]² ſic ſolut^{ur} vt pmissi in forma pdc̄a, fiat pſecučo cont^{ur} eos. Et si forſan aliquis ante pſentem ordinačoem cū aliquo de ſuiendo p maiori ſalario conueſtit, ipē ſone dce conuenčois ad ſoluendū ult^{ur} id qd alias tali conuētū eſt ſolū, minime teneat^r, immo ſolū plus ſub pena pdc̄a nō pſumat.

Item qd ſellař, pelliſarii, allutarii, ſutores, Cifſores, ffabri, carpentarii, cementarii, Tegulař, batellař, car^utař & quicunq^u alii artificcs & operarii nō capiant p labore & artifico ſuo ultra id qd dco anno vicesimo & alia cōmunibꝫ annis pſcedētibꝫ vt pmittit^r in locis quibꝫ eos operari contigit talibꝫ ſolui cōſueuit. Et si quis plus recepit, pxio gaolo modo quo pmittit^r cōmittat^r.

Itm qd carnifices, pifſenar, hostellař, Braciatores, piftores & pulletarii & oñes alii venditores victualiū quožeūque teneant^r hui^umodi victualia vendere p p̄cio racionabili, habita

¹ These words are added in a 19th century hand. They occur in the *Close Roll*.

² Added from *Close Roll*.

³ Omitted in *Close Roll*.

⁴ promittat in *Close Roll*.

⁵ "ſolutum pmissum fuerit, aut exactum vel receptum" in *Close Roll*.

And if any [reaper, mower or other labourer or servant, of Labourers departing whatsoever state or condition he be], thus retained in the from service service of anyone, before the end of the term agreed to be imprisoned. upon, leave the said service without reasonable cause or licence, [that he undergo the penalty of imprisonment, and] that no one, under [the said] penalty of imprisonment, presume to receive or retain such an one in his service.

Further, that none pay or promise to pay greater wages, The old wages, liveries, rewards or salaries than are customary, as is afore- said, under penalty of twice the amount that he shall so pay or promise to pay, to be applied to him who shall hereby feel himself aggrieved, and if no such person is willing to prosecute, then to anyone of the people who shall prosecute this [offence] ; and that such suit be made in the court of the lord of the place in which such event occurs. And if the lords of the towns or manors [presume in any point to contravene] our present ordinance by themselves or by their servants, then that suit be made against them [in the counties, wapentakes and value. trithings or such other our courts, for the penalty of treble what was] so paid or promised [by them or their servants] in form aforesaid. And if it happen that anyone, before the present ordinance, has agreed with any to serve for a higher salary, that he be not bound, by reason of the said agreement, to pay anything beyond what it is customary to pay otherwise to such, but that he presume not to pay more, under the penalty aforesaid.

Also that saddlers, skinners, curriers, cordwainers, tailors, Wages of smiths, carpenters, masons, tilers, boatmen, carters and all artificers. other craftsmen and workmen take not for their labour and craft beyond what was accustomed to be paid to such in the said twentieth year and other preceding ordinary years, as aforesaid, in the places in which they shall happen to wcrk, and if any take more, that he be committed to the nearest gaol in the manner aforesaid.

Also that butchers, fishmongers, innkeepers, brewers, bakers, Victuals shall and poulterers and all other sellers of victuals whatsoever be sold at be bound to sell such victuals at a reasonable price, considera- reasonable pricea.

consideraçoe ad p̄ciū quo hui'modi victualia in locis p̄pinquis vendunt'. Ita qd h̄eant hui'modi venditores moderatū lucrū nō excessiuū, p̄ut distanca locoꝝ a quibꝝ victualia huiusmodi cariantur duxit r̄onabilis requirend. Et si quis victualia hui'modi alio modo vendiderit & inde in forma p̄dca cōuictus fuit, soluat duplum illius qd sic cepit dampnificato, vt in defectum illi' alfi qui p̄sequi voluit in hac pte. Dantes vos tenore p̄senciū potestatē ad Inquirend infra villam p̄dcam de om̄ibꝝ & singulis qui cont' hoc in aliquo deliquerint, & ad penam p̄dcam ad op' illoꝝ ad quoꝝ sectam hui'modi delinquentes conuicti fūint leuand. Et in casu quo vos execuçōem p̄missoꝝ faðe neclexeritis & de hoc coram Justiç p nos assignand conuicti fueritis, tūc vos ad t̄plū rei sic vendite hui'modi dampnificatis, vt alfi in defectū illoꝝ p̄sequen' soluend p eosdem Justiç compellemini & nichilomin' [v̄sus nos]² ḡvit' puniemini.

Et q multi validi mendicantes q̄ndiu possint ex mendicatis elemosinis viñe, laborare renuūt vacando ocii & p̄catis & q̄ndoque latrociniis & aliis flagitiis, nullus sub pena in p̄sonam p̄dca talibꝝ qui cōnode laborare pot'nt, sub colore pietatis vt elemosine quicq'm dare seu eos in sua desidia confouere p̄sumat vt sic cōpellant' p̄ vite necessar laborare. Vobis mandam' firmis' [in]jungentes qd p̄missa om̄ia & singula infra Ciuitatē p̄dcam pupplice p̄clamaꝝ & teſſi, execuçōemq inde debitam fieri faciat sicut p̄dcm est. Et hoc sicut nos & cōdem vtilitatem fre ñre Hibñ diligitis, & vos īpos indēpnos saluare volueritis nullaten' omittatis. T. Wilhmo³ de Birmyngh'm, Justiç ñro Hibñ apud Cath xvij die Auḡ anno r̄ ñ Angl vicesimo ſcio r̄ ñre ffranç decimo.

p b̄e de Angt.

¹ So in MS. for *prosequenti*.

² Added from Close Roll.

³ Recet Waltero,

tion being had to the price at which such victuals are sold in neighbouring places. Provided that such sellers have a moderate profit, not excessive, according as the distance of the places from which such victuals are conveyed, make it reasonable to demand. And if anyone sell such victuals in other manner and thereof be convicted in form aforesaid, that he pay double the amount that he shall have so received to the injured party, or in default of him to the other who will prosecute in this behalf. Giving to you, by the tenor ^{Power to} of these presents, power to enquire within the said town ^{mayor and} concerning all and singular who offend in anything against ^{bailiffs to} this, and to levy the said penalty for the behoof of those ^{enquire as to} offenders. at whose suit such offenders shall be convicted. And in case ^{Penalty} you neglect to make execution of the premises, and be convicted ^{against them} hereof before Justices to be appointed by us, then that you be ^{for negli-} ^{gence.} compelled by the said Justices to pay to such injured parties or to the other who prosecutes in their default, treble the value of the thing so sold, and nevertheless be severely punished [toward us.]

And inasmuch as many sturdy beggars, so long as they can live on alms which they beg, refuse to work in order to have opportunity for laziness and wrong-doing, and sometimes for robberies and other crimes, that no one under the said penalty of imprisonment presume, under pretext of piety or alms, to give anything to such as can conveniently work, or to foster them in their sloth, that so they may be compelled to work for the necessities of life.

We command, firmly enjoining you, that you cause all and singular the premises to be publicly proclaimed and kept within the said city, and due execution done thereof, as is aforesaid. And that this, as you love us and the general profit of our land of Ireland, and wish to preserve yourselves unharmed, you in no wise omit. Witness Walter de Birmingham, our Justiciar of Ireland, at Carlow the 26th day of August in the twenty-third year of our reign of England, and of France the tenth.

By writ out of England.

24 EDWARD III. A.D. 1349-50.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 2.]

ITM eisdem anno & rotulo¹ (i.e. in rotulo Memorand Sc*cii* v^o rotulo, anno 7 E. *cii* xxiiii) constat p fras patenti de Angl qd scdm statut editu in Angl Magnates in Angl hentes fras in hiōn heant ibm hōies ad arma & si non heant tunc post certificaōem d̄cis Magnai factam Justic hōn Canō & Theō de exiī fras p̄dcaz ad ipas defendend ordinent voluntate sua ec. Cest estat^d appit a secundo folio inferi²² mez [autrement] est ore use p lestatut' Ric ij^d R Angl.³

¹ This membrane of the Memoranda Roll of the Exchequer 24 Ed. III., which, from a small portion still remaining, would appear to have contained enrolments of writs out of England of that year, was cut away. From the statement as to the statute being found recited in it, it must have been regularly transmitted for observance in Ireland (i.e.) for the carrying out of certain of its provisions applicable in this country. In the absence of any transcript, it has been thought best to print here the memorandum from the Red Book, and an extract in which certain of its provisions are recited, taken from a writ addressed to the Archbishop of Armagh, dated 18 Feb., in reference to its execution in this country.

It may be observed that in *Rotuli Parliamentorum*, among the businesses touching the land of Ireland transacted in a Parliament of Westminster held at Mich., 5 Ed. III. (1331) writs were directed to be sent to all the sheriffs of England, commanding them to proclaim that all who had lands in Ireland should cause them to be guarded, &c. Possibly this enactment is the one referred to in the proceedings of 24 Ed. III., at which period its provisions may have been more vigorously put in execution.

² Not now in the Red Book.

³ See 3 Ric. II.

24 EDWARD III. A.D. 1349-50.

A LSO in the same year and roll [Memoranda Roll of the Exchequer, 24 Edward III., r. 5] it appears by letters patent out of England that, according to a statute enacted in England, magnates in England having lands in Ireland should have there men at arms, and if they have not, then after notification made to the said magnates, the Justiciar, chancellor and treasurer of Ireland, out of the issues of the said lands, should arrange for the defence of the same, at their pleasure, &c. This statute appears second leaf below, but the practice is now different, under a statute of Richard II., King of England.

Rymer's *Fædera*, Vol. III., pt. 1, p. 192.¹

¹ Text taken from *Rot. Rom.* 24 Ed. III. m. 1.

25 EDWARD III. A.D. 1351.

[MEMORANDA ROLL OF THE EXCHEQUER IN IRELAND.

25 AND 26 EDWARD III., m. 13 f.]

DOMINUS Rex mandauit quoddam breue suu Thees Baronib; & Camerau suis de scacio Dublii in hec vba. Edwardus dei grata Rex Anglie & ffraunce & Dns Hibni Thees Baroñ & Castra suis de scacio Dublii, sautu. Quasdā ordinaçoes¹ in magno consilio nro apud Kilkenni die lune p̄ ante festū oīm scōz p̄ p̄fito tento, de assensu Prelatoz quaten' de iure hiis consentiū posuunt Comitū Baroñ & Cōitatum Pre nre Hibni ibidem existenciū p̄ meliori regimine eiusdem Pre & quiete populi nri ibidem, ac refrenaçoes & puniçoes maleficioz nōie nro fcas vobmittim' insertas in quodam rotulo sub pede sigilli nri Mandantes qd statim visis p̄sentib; dicas ordinaçoes in scacio p̄dco publice legi & eas quantu ad vos ptinet obseruari & teneri faç. T. Thoma de Rokeby Justic nro Hibni apud Kilkenni x die Novembri anno i n Anglie vicesimo quinto i vero i n ffraunce duodecimo. Quequidem ordinaçoes irrotulantur hic in forma que sequit. Nre seignr le Roi Dangle Pre & de ffraunce & seignr Dirlande & son conseil de mesme sa Pre Dirlande desirantz la mayntenance de lestat de saint eglise & le bon goûnement de son poeple Dirlande & la sauue garde de sa pees & la mayntenance de les bones leyes illoques & la chastiement & punissement auxint de malfesours & autrs malueys gentz & amendement de tortz & greuances faites a mesme son poeple sur les greuouses pleynetes des cōes de sa dite Pre appelletz a son gant conseil tenuz a Dyuelyn le Lundy pchein deuant la feste de saint Luc le Ewangelist, et auxint a vn autre son

¹ Of the 25 clauses of which these ordinances consist, nineteen are found in almost the same words in the Statute of Kilkenny, 40 Edw. III., (1366). See post. In the following table, the first column shows the clauses in the ordinances, and the second the corresponding chapters in the Statute:—

I.	1.	VII.	22.	XVI.	4.
II.	17.	VIII.	23.	XVII.	29.
III.	18.	IX.	24.	XX.	30.
IV.	19.	X.	25.	XXI.	31.
V.	20.	XIII.	27.	XXII.	26.
VI.	21.	XV.	28.	XXIII.	32.
				XXIV.	33.

25 EDWARD III. A.D. 1351.

THE lord the King sent his writ to his Treasurer, Barons and Chamberlains of the Exchequer in Dublin in these words ; Edward by the grace of God, king of England and France, and lord of Ireland, to his Treasurer, Barons and Chamberlains of the Exchequer of Dublin, greeting. Certain ordinances made in our name in our great council held at Kilkenny on Monday next before the feast of All Saints last past, with the assent of the Prelates (as far as of right they can consent to them), of the Earls, Barons and commonalty of our land of Ireland there being, for the better regulation of that land and peace of our people there, and the curbing and punishing of malefactors, We send you, inserted in a certain roll under foot of our seal, commanding that immediately on sight of these presents, the said ordinances in the said Exchequer you cause to be publicly read, and these as far as pertain to you, to be observed and held. Witness Thomas de Rokeyb, our Justiciar of Ireland at Kilkenny the tenth day of November in the twenty-fifth year of our reign of England, and of France the twelfth. Which ordinances are enrolled here in form following :—Our lord the King of England and of France and lord of Ireland, and his council of his said land of Ireland, desiring the maintenance of the estate of Holy Church and the good government of his people of Ireland, and the preservation of his peace, and the maintenance of good laws there, and also the chastisement and punishment of malefactors and other evil people, and the amendment of wrongs and grievances committed against his said people, upon the grievous complaints of the commons of his said land, summoned to his great council held at Dublin the Monday next before the feast of St. Luke the

g^{nt} conseil tenuz a Kilkennⁿ le Lundyn pchein deuant la
feste de toutz seyntz lan du regne mesme nre seign^r le Roi
vintisme quint, si sont ordeinez & estableiez p le dit conseil nre
seign^r le Roi a Kilkennⁿ en noun meisme nre seign^r le Roi
del assent des Prelatz de ceo q^{nt} ptient a eux de assentir
Countes Barones & autres c^{es} de meisme la Pre illoques
esteantz al honur de dieu & de saint Eglise & p^r le bon
go^{gn}nement de sa dite Pre Dirlande & quiete de son poeple & p^r
les leyes meoltz garder & les mesfesours chastier come desus est
dit les choses & articles sutz esc^{pt}z a tenir & garder pleyne-
ment sur les peynes contenuz en ycelles.

Primerement qe seinte eglise soit franche & eyt totes ses
franchises santz embleissement & q^{nt} totes les articles contenuz
en la g^{nt} chartre le Roi soient en tous poyntz tenuz fermes &
estables. Item nre seign^r le Roi defent sur forfeture de vie & de
membre q^{nt} nul de quel estat ou condicion qil soit ne teigne
kernys hobellours ne vdues gentz en t^re de pees a greuer le loial
poeple nre seign^r le Roi mes q^{nt} les voille tenir les teigne en la
marche a ses constages ppres saunz rien pndre de nuly
encoultre sa volente et si aueigne q^{nt} nul h^{ome} de kerne ou
nul autre p^{gn}e nul mafie des vittailes ou aut^rs biens de nuly
encoultre sa volente, soit hu & crie leue s^r lui & soit p^r s^r
mande a la gaole sil se voille rendre, et si noun mes faire
resistence a force isint qil ne voille lattachement suffrir, soit
fait de lui come de Robiour apert & tiele mafie p^r se soit tenu
p^r roberie. Et en cas q^{nt} tiels mesfessours defuent lattachement
q^{nt} nul h^{ome} les purra pndre adonqe respoigne son seign^r ou le
menour p^r lui & face gre a la ptie qest issint endamage, et sil
ne face gre a la ptie, eyt le Roi la sute deus lui si bien p^r lui
meismes come p^r la ptie & ceaux q^{nt} ne leuent a celes hu & crie

Evangelist, and also to another his great council held at Kilkenny the Monday next before the feast of All Saints, in the twenty-fifth year of the reign of our said lord the King, there were ordained and established by the said council of our lord the King at Kilkenny, in the name of our said lord the King, with the assent of the Prelates (as far as it pertains to them to assent), Earls, Barons, and others the commonalty of the said land there being ; for the honour of God and of Holy Church, and for the good government of his said land of Ireland, and peace of his people, and for the better keeping the laws and chastising civil-doers, as is aforesaid, the things and articles under-written to hold and guard the same, fully, upon the penalties specially in them contained.

Firstly, that Holy Church be free and have all her franchises without infringement, and that all the articles contained in the great charter of the King be in all points held firm and established.

Also our lord the King forbids on pain of forfeiture of life and limb, that any person, of whatsoever estate or condition he be, keep kernes hobelers or idlemen in land of peace, to harass the loyal people of our lord the King, but that whoever wishes to have them, keep them in the march at his own costs, without taking any thing of any person against his will, and if it happen that any man of the kernes or any other take any manner of victuals or other goods of anyone against his will, that hue and cry be raised against him, and that he be taken and committed to gaol if he will surrender himself, and if not, but he forcibly resist so that he will not suffer attachment, that then he be treated as an open robber, and such manner of seizure [of victuals] be held as robbery. And in case that such malefactors fly from attachment so that no man can take them, then that his lord or the leader answer for him and make satisfaction to the party who is so endamaged ; and if he make not satisfaction to the party, that the King have the suit against him, as well on his own behalf as for the party ; and that those who do not rise at

I.
Holy Church
free, great
charter con-
firmed.

II.

No one to
keep kernes,
&c., save at
his own
cost.

Hue and cry
against any
taking
victuals
against
owner's will.

soient tenus & puny come mayntenours des felouns, et si nul hōme tiegne ou meyne Kernys hobellours ou vdyues gentz autrement q̄ desus est dit, eyt iuggement de vie & de membre & soient ses fr̄es & tenementz forfetz. Itm soit vne crie fait q̄ tous yceux q̄ sount ore vdyues gentz & voillent p̄ndre fr̄es du Roi veignent a la Justice Dirlande ou a Tresorer le Roi & p̄ignent fr̄es du Roi a ferme et sils voillent p̄ndre des aut̄s seign̄s veignent a eux ou a lour seneschales en mesme la maſſe. Itm q̄ nules marchisez ne autres tiegnent plement ne dailiance oue nul Irreys ne Engleys q̄ soit encountre la pees santz conge de la Court ou en p̄ſence de visconte n̄re seign̄ le Roi ou des gardeyns de la pees si qils puissent veer qe tiele plement ou dailiance soit p̄r commun p̄fit & nemy p̄r singuler et q̄ il face eyt lenp̄ſſonnement & soit reynt a la volente le Roi. Itm acorde est q̄ chescun cheueteyn de lynage en chescun Counte soit charge & lye a n̄re seign̄ le Roi q̄ si ascun de son lynage de sa aherdance ou de sa retenance quel il p̄ra chastier ascun trespass ou felonie face, q̄ le dit cheueteyn eyt power de p̄ndre les mesfesours & les detenir en prisonne tanqe ils soient deliſs p̄ la ley, et si les dites cheueteyns les dites mesfesours ne voillent p̄ndre mes les soeffrent aler alarge q̄ adonqe les corps des dites cheueteyns soient p̄s p̄r eux & detenuz en p̄ſone tanqe le corps des dites mesfesours soient renduz a la Court n̄re seign̄ le Roi de estre iustisables. Itm q̄ vn pees & vn guerre soit p̄ tut la Pre issint q̄ si nul Irreys ou Engleys soit de gerre en nul Countee q̄ les Countez envyroun les facent greuer & gerrer en lour marches meyntenant ḡnt ils front garnyz par les gardeyns de la pees du dit Countee ou p̄ visconte ou la gerre sourdy, et sils ne facent soient tenus & puny come mayntenours des felouns. Et si ceux du Countee ou la gerre sourdy soeffrent lour marches estre destruz par les enemyz &

such hue and cry, be held and punished as maintainers of felons, and if any man keep or maintain kerns, hobblers or idlemen otherwise than is aforesaid, that he have judgment of life and of limb, and his lands and tenements be forfeited.

Also that proclamation be made that all those who are now idlemen and are willing to take lands of the King come to the Justiciar of Ireland, or to the King's treasurer, and take lands of the King to farm, and if they should desire to take them from other lords, that they come to them or to their seneschals in the same manner. III.

Also that no marchers or others hold parley or intercourse with any Irish or English who may be against the peace, without leave of the court, or in presence of the sheriff of our lord the King, or of the wardens of the peace, so that these may be able to see that such parley or intercourse be for common and not for individual profit, and that whoever does so, suffer imprisonment and be fined at the will of the King. IV.

Also it is agreed that every chieftain of lineage in every county be charged and bound to our lord the King, that if any of his lineage, of his adherents or of his retainers whom he can chastise, commit any trespass or felony, that the said chieftain have power to take the malefactors and to detain them in prison until they be delivered by the law, and if the said chieftains will not take the said malefactors but suffer them to go at large, that then the bodies of the said chieftains be taken for them and detained in prison, until the bodies of the said malefactors be delivered up to the court of our lord the King to be amenable to justice. V.

Also that one peace and one war be throughout the land, so that if any Irish or English be at war in any county, that the counties around harass them and make war in their marches, as soon as they shall be warned by the wardens of the peace of the said county or by the sheriff where the war arises, and if they do not, that they be held and punished as maintainers of felons. And if those of the county where the war arises suffer their marches to be de-

Idlemen to have lands to farm.

As to parley, &c., between marchers and the enemy.

Chieftains to punish their own retainers, &c.

One peace and one war throughout Ireland.

ne voillent leuer de arester la malice des enemyz ap̄s qils soient resonablement garnyz par les gardeyns de la pees ou par visconte ou crie leue en pays du dit Countee q̄ adonques ils soient tenus come maytenours des felouns et q̄ les dites enemyz ne oyent de eux force eyde v̄iles vitailles armures ne autre riens q̄ vailler lour p̄ra tanqe come ils soient a la gerre. Et si nul hōme les eyde des choses susdites tancome ils soient a la gerre & de ceo soit atteynt, soit tenu & puny come traitor. Pur ceo q̄ diūses gentz fount diūses robies & felonies en franchise & se fuent od lour biens en gyldable issint q̄ les Ministres des franchises ne poent illoques faire lour office ne les felouns ne lour biens p̄ndre mes sount illoques od lour biens recettez. Et auxint diūses gentz q̄ font diūses robies & felonies en gyldable fuent od lour biens en la franchise issint q̄ le Ministres ñre seignr le Roi ne poent illoques lour office faire, ne les felouns ne lour biens p̄ndre mes sount illoques oue lour biens recettez. Acorde est & assentuz q̄ si nul Ministre de la franchise face p̄suyt sur nul tiel feloun en le gyldable q̄ ceux de gyldable soient en eyde p̄ tiel maſſe feloun p̄ndre & lui deliſer a dit Ministre ensemblementz oue les biens od lui trouez, et facent de ceo la liue auxi bien de corps come des chateux a dit Ministre de faire ceo q̄ a la ley appent et q̄ ceux de la franchise facent en mesme la maſſe a visconte ñre seignr le Roi ou a ses Ministres q̄ font la sute s̄ tiels felons q̄ fount felonies & fuent od lour biens en franchise. Et si nul fait felonie en vn Countee & defu en autre Countee ou en franchise & illoques demoert q̄ le visconte de cel Countee ou la felonie se fyt eyt power a maunder p̄ ses p̄ceptes as viscontz ou seneschales de les pties ou le dit feloun demoert auxi biens dedeyns franchises come dehors a p̄ndre le corps le dit feloun & del remaunder et q̄ les dites viscountes & seneschales soient obesantz chescun en tiel cas a Autry

stroyed by the enemies, and will not rise to check the malice of the enemies after they are reasonably warned by the wardens of the peace or by the sheriff, or cry has been raised throughout the said county, that then they be held as maintainers of felons, and that the said enemies shall not have of them force, aid, provisions, victuals, arms or any other things which may avail them while they be at war. And if any man assist them with the aforesaid things while they be at war and be thereof attainted, that he be deemed and punished as a traitor.

Because that divers people commit divers robberies and felonies in franchises, and flee with their goods to geldable land, so that the officers of the franchises cannot there execute their office nor take the felons or their goods, but they are there received with their goods. And also divers people that commit divers robberies and felonies in geldable land fly with their goods into a franchise, so that the officers of our lord the King cannot there execute their office nor take the felons nor their goods, but they are there received with their goods. It is agreed and assented that if any officer of the franchise make pursuit of any such felon into geldable land, that those of the geldable land assist to take such manner of felon, and to deliver him to the said officer, together with the goods found with him, and thereupon make delivery, as well of the body as of the chattels to the said officer, to execute that which to the law pertains; and that those of the franchise act in the same manner to the sheriff of our lord the King or to his officers, who make pursuit of such felons as commit felonies and fly with their goods into a franchise. And if any commit a felony in one county and fly into another county, or into a franchise, and there dwell, that the sheriff of that county where the felony is committed have power of commanding by his precepts the sheriffs or seneschals of the parts where the said felon dwells, as well within franchises as without, to take the body of the said felon and to send it back, and that the said sheriffs and seneschals be obedient, every of

VII.
Officers of franchises
may pursue felons into geldable land, and sheriffs may pursue into franchises.

Sheriffs and officers of one county to aid those of another in taking felons.

maundement et si nuls de Gyldable ou de fraunchise leuent en eyde de tiels mesfesours issint q̄ les Ministres ne puissent lour office faire de eux qils scient tenus si noters felouns come ceux q̄ font les robies & punyz en mesme la fourme. Et si les Ministres auaunditz soient remis en les execucions des maundementz susdites fair & de ceo soient atteyntz soient aiugḡ a la p̄sone & reyntz a la volunte le Roi. Et nest pas lentencion le Roi ne du conseil q̄ p̄ tiel entree en la franchise ou maundement a seneschal q̄ la franchise soit emblemy. Pur ceo q̄ dif̄ses gentz enfefftent lour enfantz ou autr̄s estraunges de lour fr̄es & donent lour biens & chateux p̄ fraud ou collusion de forbarrer n̄re seignr le Roi de sa dette & pties auxint de accion & recoilyr, Acorde est & assentuz q̄ tiel feffement & alienacion soient tenus p̄ nules et q̄ le Roi & pties eyent execucion & recouyr de ses fr̄es biens & chateux auxi bien come des fr̄es le dit alienour ppres, et si cas aueigne q̄ si ascun hōme soit en p̄pos de leuer de gerre encontre le Roi ou de ascune felonie fair, et p̄ cele cause enfefft ascun hōme de ces fr̄es p̄ faire tiels felonies & tresons ap̄s le feffement q̄ si ap̄s il soit atteynt de les traasons ou felonies susdites q̄ celes fr̄es susdites en qi mayns qils deuendrent soient forfaitz nyent contreesteant le feffement come sils fuissent en sa mayn demeyne iour de la felonie. Et eyt cest ordeinance lieu auxi bien a les feffementz p̄ cele cause auant ces heures faites come en temps auenir a faire. Itin en chescun Countee soient ordeinez quatre de moetz vauetz du Countee p̄ estre gardeyns de la pees les queux eynt pleyn power de asserc gentz chiuauas armes hobellours & gentz a pee chescun soloim la value & quantite de ces fr̄es biens & chateux issint qils soient prestes quele iour q̄ maister ens̄ra p̄ arester la malice des ennemeyz soloime ces qils front assis p̄ les gardeyns susdites, et q̄ les dites

them, in such case to the mandate of the other ; and if any persons of geldable or of franchise land rise in aid of such malefactors, so that the officers cannot execute their office on them, that they be held as notorious felons as those who commit the robberies, and be punished in the same form. And if the aforesaid officers be remiss in the execution of the said mandates and be thereof attainted, that they be adjudged to prison and fined at the will of the King. And it is not the intention of the King or the council that by such entry into a franchise or mandate to the seneschal, the franchise be infringed.

Forasmuch as divers people enfeoff their children or other strangers, of their lands, and give their goods and chattels by fraud or collusion, in order to bar our lord the King of his debt, and parties also of action and recovery, It is agreed and assented that such feoffment and alienation be held as void, and that the King and the parties have execution and recovery of their lands, goods and chattels, as well as of the proper lands of the said alienor ; and if the case happen that any man be of purpose to levy war against the King or to commit any felony, and for that reason enfeoff any man of his lands, in order to commit such felonies and treasons after the feoffment, that if afterwards he be attainted of the aforesaid treasons or felonies, that those aforesaid lands, into whose hands soever they come, be forfeited, notwithstanding the feoffment, as if they were in his possession the very day of the felony. And that this ordinance have place as well in respect of feoffments on this account heretofore made as those to be made in time to come.

Also that in every county there be appointed four of the most worthy men of the county to be wardens of the peace, who shall have full power to assess horsemen at arms, hobblers and footmen, each according to the value and quantity of his lands, goods and chattels, so that they be ready at whatever time there may be occasion, for the purpose of checking the malice of the enemies, according to what they shall

Penalty on
negligent
officers.

VIII.

Fraudulent
feoffments
void.

Forfeiture of
lands con-
veyed with a
view to war
or felony.

IX.

Wardens of
the peace in
each county.

Their duties.

gardeyns ap̄s la array fait en la manere susdite, facent v̄eu des dites gentz des armes hobellours & gentz a pee de moyne en moyne en &teyn lieu de Countee ou ils veount q̄ moetz soit a faire en ayse du poeple et si les dites gardeyns treouissent nul rebell q̄ ne veot a lour maundementz obeyr, eyent power de les attacher & maunder a p̄chein gaole illoques a demorer tanqe la leye de lui soit fait. Et si les gardeyns de la pees soient remisses ou negligantz en lour office faire & de ceo soient atteyntz q̄ adonqe ils front pris & enp̄sonez & reyntz a la volonte le Roi. Et si nul issint elieu gardeyn refuse de receyuer la cōmission le Roi soit p̄is & enp̄sonez & ses fr̄es seisiz en la mayn le Roi & issint demoerge tanqe la Court le Roi en eyt autrement ordeine, et soient les dites gardeyns smitez de loialment user lour office en la manere susdit.

Īm ordeine est q̄ les Marchales del un Baunk & del autre & dedeyns franchises ne p̄ignent desormes p̄ lour fee plus q̄ils p̄ignent en Engletere cest assanoir v.d. soulement come testmoigne est a conseil q̄ils fount en Engletere & solome lestatut en Engletere de ceo ent p̄ueu, et ceo ap̄s q̄ hōme soit acquite ou conuyct & finallement deliūs hors de la Court & nemy auant et sils facent alencontre & de ceo soient atteyntz soient lour baillies seisiz en la mayn le Roi p̄ pleynt de celui q̄est encountre ceste acorde greue, et outre ceo facent gre a ceux q̄ soint issint p̄ eux endamagez & detenuz en p̄sone tanqe lour gre soit fait. Et q̄ le Mareschal del Escheker ne p̄igne q̄ dī m̄r̄ chescun p̄me q̄nt hōme demora en sa garde p̄ arrirages dacompte ou la dette le Roi. Et q̄ face alencontre & de ceo soit atteynt, eyt la penaunce come desus est dit. Et q̄ nul Conestable des chasteles dedeyns fraunchises ne dehors ne p̄igne de nul p̄son mys en sa garde p̄ son fee fors soulement

be assessed by the wardens aforesaid; and that the said wardens, after array made in the aforesaid manner, make view of the said men at arms, hobelers and footmen from month to month in a certain place of the county, where they shall see it best to make it, in ease of the people, and if the said wardens find any rebel who will not obey their mandates, that they have power to attach them and commit them to the next gaol, there to remain until the law be enforced against them. And if the wardens of the peace be remiss or negligent in executing their office and be thereof attainted, that then they be taken and imprisoned and fined at the will of the King. And if any so elected a warden refuse to receive the King's commission, that he be taken and imprisoned, and his lands seized into the King's hand, and so remain until the King's court have otherwise ordained, and that the said wardens be sworn to execute their office legally in the manner aforesaid.

Also it is ordained that the marshals of the one bench and of the other and those within franchises take not henceforth for their fee more than they take in England, that is to say, five pence only, as it has been proved to the council that they do in England, and according to the statute in England in that behalf provided, and this after that a man be acquitted or convicted and finally delivered out of court, and not before, and if they do to the contrary and thereof be attainted, that their bailiwicks be seized into the King's hand, at the complaint of him who contrary to this act is aggrieved; and, moreover, that they make satisfaction to those who are thus by them endamaged, and be detained in prison until their satisfaction be made. And that the marshal of the Exchequer take only half a mark for every term, while a man remains in his custody for arrears of account or the King's debt. And whoever does to the contrary, and be thereof attainted, that he suffer the penalty above mentioned. And that no constable of castles, within franchises or without, take of any prisoner placed in his custody, for his fee, but only five a Castle.

X.

Fee of
Marshals of
the Benches.

Fee of
Marshal of the
Exchequer.

Fee of
Constable of
a Castle.

v.d. forspris le Conestable du Chastel de Djuelyn q est le chef Chastel le Roi en Irlaunde pur ceo q tesmoigne est a conseil q il doit plus bndre & de ancien temps ad fait. Et q autrement fait & de ceo soit atteynt, soit la Conestablerye seisy en la mayn le Roi, et celui q ency aua fait soit pris & en prisone tanqe il face gre a la ptie & fyn a Roi. Et q les Mareschales ne Conestables auaunditz dedeyns fraunchises ne dehors ne mettent les prissons qils ount en lour garde a destresse & duyte¹ de penance p singuler pfit ou suet auoir, et sils facent soient pris & detenuz en prisone tanqe ils eynt rendu le double a celui de qil ils ount tiel torsenouse pfit rectu, et nepq^{nt} facent fyn a Roi & s^r ceo soient briefs maundez a chescun place de la Pre ou Conestable ou Mareschal yad si bien deyngs fraunchises come dehors.

Item ordeine est q nul Engleys face ascun mafie de alliance a les Engleys ou Irreys enemyz nre seign^r le Roi p mariage nulte de lour enfauntz, ou en ascun autre mafie sil ne soit p assent de la Court le Roi, & q il le face & de ceo soit atteynt cyt lenprisonement, et outre² ceo soit reynt a la volunte le Roi.

Item ordeine est q si ascun hōme soit enditee de morte de hōme Engleys arson ou des autres g^antes felonies ou qil soit cōmun laroun ou noctory robiour & soit recette oue ascuns, eaux sachanz les felonies susdites p lui faitz q les recettrours soient pris & detenuz en prisone nyent maynprablez si bien auant q tiels felonie soient atteyntz come aps sil ne soit p cause & ceo p auisement du conseil le Roi.

Item ordeine est q si true ou pees soit p's p la Justice gardeyns de la pees ou viscontz entr³ les Engleys & Irreys & si ele scit debruse p ascun Engleys & de ceo soit atteynt soit p's & mys en prisone tanqe gre soit fait p lui a ceux q sort

¹ In the Statute of Kilkenny this word is *duretez*.

pence, except the constable of the castle of Dublin, which is Constable of the King's chief castle in Ireland, by reason that it has been proved to the council that he has a right to take more, and from ancient times has done so. And whosoever does otherwise, and be thereof attainted, that the constablership be seized into the King's hand, and that he who shall have so acted be taken and imprisoned, until he make satisfaction to the party and fine to the King. And that neither the marshals nor constables aforesaid, within franchises or without, put the prisoners whom they have in their custody to distress and severity of punishment, for the purpose of obtaining their own profit or suit; and if they do so, that they be taken and detained in prison until they have rendered double to the person from whom they have received such wrongful profit, and moreover make fine to the King; and that thereupon writs be sent to every place of the land where there is a constable or marshal, as well within franchises as without.

Also it is ordained that no English person make any manner of alliance with the English or Irish enemies of our lord the King, by marriage, fostering of their children or in any other manner, unless it be by the assent of the King's court, and whosoever does so, and be thereof attainted, that he suffer imprisonment, and moreover be fined at the will of the King.

Also it is ordained that if any man be indicted of the death of an Englishman, of arson or the other great felonies, or if he be a common thief or notorious robber and be received by any, they knowing that the aforesaid felonies were by him committed, that the receivers be taken and detained in prison without mainprise, as well before such felons be attainted as afterwards, unless it be for cause, and this by the advice of the council of the King.

Also it is ordained that if truce or peace be made by the Justiciar, wardens of the peace or sheriffs, between English and Irish, and if it be broken by any Englishman and he be of this attainted, that he be taken and put into prison, until

XI.

XII.

XIII.

desrobez & endamagez p cele encheson, & outre ceo soit reynt a la volente le Roi et sil neyt dont fair restitucion a ceux q sont issint endamagez, eyt ppetuele p'sone et q tiels gardeyns & viscontz eyent power denquere de tiels q issint enfreynent la pées.

Item q lestatut de laborers¹ maunde hors Denglefrē en Irland soit mande p bref a chescun visconte seneschales Maires soleyns des Cittiez & villes qils facent pclamacion icel estatut et q la Justice soit charge denquere chescun pt ou il vaa de chescun qi countreuyent ccl estatut & de les punyre solome la forme del dit estatut.

Item ordeine est q si debate soit mou pentre Engleys & Engleys p quei les Engleys dune pt & d'autre coillent a eux Engleys & Irreys en pays illoques a demorer p'r gerrer & greuer autr's a gant damage & destruction del lige poeple le Roi, Acorde est & assentu q nul Engley's soit si hardy de mouer gerre en autr's ne de amener nul Engley's ne Irreys en pays desormes p cel encheson et qi le facent & de ceo soient atteyntz eyent iuggement de vie & de membre & lour fress forfes.

Item ordeine est q si debate sourd entr' Engleys & Engleys a la pées esteantz q nul de eux face namer ou gage ne destresse sur autre pndre ne vengeance sur autr's pnnont par quei le poeple le Roi p'r a estre troubele, mes sueit chescun vs autre a cōmune ley. Et coment q auant ces hours p reison de tiels debates pentre Engleys & Engleys faitz eyent usee destre rulez p la ley de Marche & de Breawen quel nest pas ley ne dut estre dit ley & nemy p la ley de Pre, Acorde est q mes ley de Marche ne de Breawen soit tenuz entr' Engleys & Engleys mes soient rulez a la cōmun ley. Et qi countreuyent les

satisfaction be made by him to those who are robbed and endamaged by reason thereof, and further be fined at the will of the King ; and if he have not wherewith to make restitution to those who are thus endamaged, that he have perpetual imprisonment, and that such wardens and sheriffs have power to enquire of such as thus infringe the peace.

Also that the statute of labourers sent out of England into Ireland be sent by writ to every sheriff, seneschal, mayor, sovereign of cities and towns, that they may make proclamation of this statute, and that the Justiciar be charged to inquire in every place where he goes, of every one who contravenes this statute, and punish them according to the form of the said statute.

Also it is ordained that if strife be stirred up between English and English, owing to which the English of one side and of the other gather to themselves English and Irish in the country, there to remain to make war and harass others, to the great damage and destruction of the King's liege people, It is agreed and assented that no English be so bold as to stir up war against others, nor from henceforth to lead away any English or Irish into the country for that purpose, and that those who so do and be thereof attainted have judgment of life and of limb and their lands forfeited.

Also it is ordained that if strife arise between English and English, being of the peace, neither of them make restraint or take pledge or distress upon the other, nor take vengeance against the other, whereby the King's people may be troubled, but that they sue each against the other at the common law. And whereas heretofore by reason of such strifes made between English and English, they have used to be governed by the law of the March and the Brehon law, which is not law nor ought to be called law, and not by the law of the land, it is agreed that from henceforth neither the law of the March nor the Brehon law be observed between English and English, but that they be governed by the common law.

XIV.

Statute of labourers to be sent to every sheriff, mayor, &c., for proclamation.

XV.

English not to stir up war

XVI.

Common law to be used by English, and not the Brehon law, or the march law.

ordeinaunces susdites et de ceo soient atteyntz soient p^{is} & enp^{is}onez & reyntz a la volunte le Roi.

Itm ordeine est q nul hōme de quel estat ou condicion qil soit face nul mafte de areste [ou ¹] desturbance a nul des Ministres nre seign^r le Roi, p quei q il ne poeit son office faire et q le face & de ceo soit atteynt soit pris & enp^{is}one & reynt a la volunte le Roi.

Itm ordeine est q tous ceux q ount fr̄es en Marche & sont receantz en fr̄e de pees facent receantye en lour fr̄es en marche ou mettent autr^s suffisantz en lo^r lieu en mayntenance & eyde des marchez, et q i ne le face soient les issues de lour fr̄es en fr̄e de pees p^{is} p les Ministres le Roi illoques & despenditz en la marche pr̄ saluacion de la dit Marche solome la q^{nt}ite des fr̄es qil ad en marche.

Itm ordeine est q tous y ceux q ount fr̄es & tenementz en Irlande & sont receantz en Englefr̄e qils facent cōtribucion p^r defense de lour fr̄es illoques si auant come ceux receantz dedeyns la dite fr̄e Dirlande y fount. Et en cas q meymes ceux p aillours demorantz eyent fr̄es en marche qils facent asseer & garder lour fr̄es auaunditz couenablement, par quei les Marchiz puissent le meotz estre enforcez solome la quantite de yceles, et q i ne le face soient les issues de lour fr̄es despenduz en la marche en la forme susdite come plus pleynement est maunde p bref hors Denglefr̄e en Irlande. Itm ordeine est q nules Engleys cōmuns mesfesours ne cōmuns robiours ne baretors soient mayntenus p nul de la Court le Roi ne p les g^{nt}z ne petites de la fr̄e sur pil qapent. Itm ordeine est q les chef g^{nt}z de fee & lour attournez facent du execucion des maundementz le Roi et de viscontz come ils deilloient faire et sils ne facent & de ceo soient atteyntz, soient

¹ Obliterated.

And that whosoever contravene the aforesaid ordinances and be thereof attainted, be taken and imprisoned and fined at the will of the King.

Also it is ordained that no man of what estate or condition he be, cause any manner of hindrance [or] disturbance to any of the officers of our lord the King, whereby he may be unable to execute his office, and that whosoever so do, and be thereof attainted, be taken and imprisoned and fined at the will of the King.

Also it is ordained that all those who have lands in the March and are resident in land of peace, make their residence in their lands in the March, or put other sufficient persons in their place, in maintenance and aid of the marches, and whosoever do not so, that the issues of their lands in land of peace be taken by the King's officers there, and expended in the march, for the safeguard of the said march, according to the quantity of the lands which he has in the march.

Also it is ordained that all those who have lands and tenements in Ireland and are resident in England make contribution for the defence of their lands there, just as those resident in the said land of Ireland do. And in case that those resident elsewhere have lands in the march, that those same cause their aforesaid lands to be sufficiently ascertained and guarded, whereby the Marches may be better strengthened, according to the quantity of the same, and whoever do not so, that the issues of their lands be expended in the march in the manner aforesaid, as is more fully commanded by a writ out of England into Ireland.

Also it is ordained that no English common malefactors or common robbers or barrators be maintained by any person of the King's court, nor by the high or low of the land, on the penalty thereto attaching.

Also it is ordained that the chief serjeants of fee and their attorneys make due execution of the mandates of the King, and of the sheriffs, as they ought to do, and if they do not

XVII.

The King's officers not to be hindered.

XVIII.

Persons to reside in their march lands, &c.

XIX.

Residents in England having lands in Ireland to contribute towards their defence.

XX.

Malefactors or barrators not to be maintained.

XXI.

Serjeants of fee to make due execution.

lour baillies seisiz en la mayn le Roi & lour corps a la p'sone.

Itm ordeine est q si hōme face felonie & soit futif ou soit atteynt p quei ces biens & chateux soient forfaitz a Roi q les viscontes facent seisir les dites biens & chateux en sa mayn, en q mayns les biens ap̄s deuenent & respoignent de ceo a ñre seignr le Roi sour lour acompte.

Itm q come somouns del Escheker ñre seignr le Roi de Diuelyn viennent a diñses viscontz & seneschales des franchises p̄ les dettes ñre dit seignr le Roi leuer de diñsez gentz en lour baillies les queux viscontes & seneschales ensemblement oue les ſiantz des Countez & franchises si font leuer diñses sūmes des dites dettez de diñses gentz des Countez & franchises & ne les acquitent mye sour lour acomptes a le Escheker, mes les excusent p les ſiantz de fee & lour lieutenantz p quei la paie des dettes ñre seignr le Roi si est targe & delaie & pdue & son poeple g*untment endamage de ceo qils ne sont mye acquitez de les deniers qils ount paiez. Acorde est & assentuz q q̄nt viscontes & seneschales de Louth, Mid, Trym, Diuelyn, Kyldař, Cath, Kilkeň & Weyseford viennent p̄ lour acomptes rendre deuant Tresorier & Barons des issues de lor baillies q les ſiantz de fee q̄ sont p̄sentz & les deputez de eux q̄ sont hors de l're soient destreintz de venir en Lescheker & illoques demorer od les dites viscontes & seneschales tanqe les dites viscontes & seneschales eyent pleynement acomptes, et si issint soit q̄ les dites viscontes ou seneschales p̄ront charger les dites ſiantz ou lour deputez qils ount receu des deniers le Roi de nuly nent fesant la paie as dites viscountez & seneschales, & s'r ceo soient atteyntz, demoergent lour corps en garde de Mareschal tanqe gree soit fait a ñre seignr le Roi des ses deniers en descharge des dettours ñre seignr le Roi ou des dites viscontes ou seneschales sils eyent

and be thereof attainted, that their baliwicks be seized into the King's hand, and their bodies committed to prison.

Also it is ordained that if a man commit felony and be a fugitive or be attainted, whereby his goods and chattels are forfeited to the King, that the sheriffs cause the said goods and chattels to be seized into his hand, into whosoever hands the goods may afterwards come, and answer therefor to our lord the King upon their account.

Also that whereas summons of the Exchequer of our lord the King, of Dublin, comes to divers sheriffs and seneschals of franchises, to levy the debts of our said lord the King of divers people in their baliwicks, the which sheriffs and seneschals, together with the serjeants of counties and franchises, accordingly cause to be levied divers sums of the said debts, of divers people of the counties and franchises, and do not acquit them on their accounts at the Exchequer, but excuse themselves by the serjeants of fee and their deputies, whereby the payment of the debts of our lord the King is so retarded and delayed and lost, and his people greatly damaged, for that they are not acquitted of the money which they have paid, It is agreed and assented that when the sheriffs and seneschals of Louth, Meath, Trim, Dublin, Kildare, Carlow, Kilkenny, and Wexford come to render their accounts before the treasurer and barons, of the issues of their baliwicks, that the serjeants of fee who are present and the deputies of those who are out of the land be strained to come into the Exchequer, and there to remain with the said sheriffs and seneschals until the said sheriffs and seneschals have fully accounted, and if it so happen that the said sheriffs or seneschals can charge the said serjeants or their deputies that they have received the King's monies of any, without making payment thereof to the said sheriffs and seneschals, and they be thereof attainted, that their bodies remain in the custody of the marshal, until satisfaction be made to our lord the King of his monies, in discharge of the debtors of our lord the King or of the said sheriffs or seneschals, if they have wherewithal. And if not,

XXII.
Sheriffs to
seize goods
forfeited by
attainder, &c.

XXIII.
As to taking
sheriffs'
accounts,
Leinster
counties.

de quei. Et si nem̄y demoergent en p'sone tanqe ils soient deliūs p le conseil & neprquant soient les viscontz ent chargez s'r lour acompte come deuant, et q̄ totes les dettes leuez p les ſiantz soient paiez a visconte p endent're entre eux fait, issint q̄ q̄nt les dites ſiantz viennent s'r lour acompte de visconte en Lescheker qils puissent mouſtrer lour endent're a teſmoigner des queux ils ouint receu les deniers le Roi & des queux nem̄y. Et p'r ceo q̄ les Countez de Connaḡt Kery Cork Walford Lymer & Typaſ ſont ſi loÿnz de la Court q̄ les ſiantz de meȳnes les Countes ne poent boneſementz venir a Diuelyn de eſtre s'r lour acompte des viscontz & ſeneschales de meiſmes les Countez come autr's ſiantz fount. Acorde eſt & aſſentuz q̄ les ſiantz des dites Countes ou lour deputez q̄nt vn Baron, ou Clerk assigne p Tresorier & Barons vient p cōmiſſion del Escheker es pties ſusditz p'r la v̄te c̄yre examiner & la dette n̄re ſeign̄ le Roi leuer, q̄ adonqe demoergent oue le dit Baron, ou Clerk tancome les dites viscontes ou ſeneschales [demorgent, et ſi issint ſoit quilz ont enz receuz de nully nient feſant la paie as ditz viscountz ou ſeneschallx^{1]}] en la maſſe ſusdit, q̄ adonqe ſoient areſtuz & eyent la penance ſusdite. Iſum p'r ceo q̄ les fees de visconte ai ſont ordeinez p eſtatut & les viscontes en la Pre de Irlande ſe p̄ſignent en lour tourneſ de chescune Baronie en lour baillie vn mark p'an et de chescune ville marchee a la foit̄ vynt soutz diz soutz & demy mark a tres ḡant opp̄ſſione de p̄eople. Acorde eſt & aſſentuz q̄ q̄nt les viscontes ſusdites viennent as villes p'r lo' tourneſ tenir deux foit̄ p'an cest assauoir ap̄s la ſaint Michel & ap̄s la Paske qils ne p̄ſignent de nule Baronie, come q̄ villes marchez ſoient dedeinz meſme la Baronie, ſi noun quarant deniers a chescun tourne ſi autrement ne ſoit ap̄s ordeine. Et ſi issint ſoit qil ſoit pue p le ſeign̄ de la Baronie ſi il ne

¹ A manifest omission : ſupplied from Statute of Kilkenny, cap. XXXII.

that they remain in prison until they be delivered by the council, and nevertheless that the sheriffs be charged therewith upon their account as before, and that all the debts levied by the serjeants be paid to the sheriff by indenture made between them, so that when the said serjeants come upon their account of the sheriff in the Exchequer, that they may show their indenture, to testify from whom they have received the King's moneys and from whom not. And forasmuch as the counties of Connaught, Kerry, Cork, Waterford, Limerick, and Tipperary are so distant from the court that the serjeants of the same counties cannot conveniently come to Dublin, to be present on their account of the sheriffs and seneschals of the same counties, as other serjeants do, It is agreed and assented that the serjeants of the said counties or their deputies, whenever a baron or clerk assigned by the treasurer and barons comes by commission of the Exchequer into the aforesaid parts, to examine the green wax and to levy the debt of our lord the King, that then they remain with the said baron or clerk, while the said sheriffs or seneschals [remain, and if it happen that they have received any part thereof from any person, without making payment to the said sheriffs or seneschals] in manner aforesaid, that then they be arrested, and have the penalty aforesaid.

Also whereas the fees of sheriffs are ordained by statute, and the sheriffs in the land of Ireland take, for themselves in their turns, of every barony in their bailiwick one mark yearly, and of each market town sometimes twenty shillings, ten shillings, and half a mark, to the very great oppression of the people, It is agreed and assented that when the aforesaid sheriffs come to towns to hold their turns twice each year, to wit, after the feast of St. Michael and after Easter, that they only take forty pence of every barony, although there be market towns within the same barony, at each turn, if it be not otherwise ordained hereafter. And if it should so be that he is supplied with food by the lord of the barony, that he take nothing, if he be not

Same,
Connaught
and Munster.

XXIV.
Fees of
sheriffs in
their turns.

soit requis ou p^{ie}e a manger ne p^{ie}gne riens. Et q^u nul Clerk de visconte p^{ur} cause de tiel tourne ne p^{ie}gne riens ; et auxint q^u desorenauant nul dener soit leue de nule charue de Pre ne en autre manie p^{ur} cause de tele office faire si noun le demy mark come desus est dit ; et si nul face encountre lordeinance susdite & de ceo soit atteynt & soit cōmaunde a la p^{is}one & outre ceo soit reynt a la volente le Roi, et q^u nules viscontz des franchises q^u p^{ne} & teyns fees du seign^{age} p^{ur} lour office faire ne p^{ig}nenent riens p^{ur} lour tournes des gentz de lour baillies mes se tiegnent paiez de ceo qils phent de seign^{age}. Et si ils facent autrement & de ceo soient atteyntz, eyent la penance susdite. Item acorde est & assentuz q^u nul visconte desormes se tiegne plee deuant lui en Countee de vede name encount^{re} la cōmun ley nre seign^r le Roi nyent countreasteant nules vsages erroignes disresonables & disacordantz a la ley^e les queux auant ces hours ount este malement vseez, et sil le face & de ceo soit atteynt eyt lenp^{is}onement & outre ceo soit reynt a la volente le Roi. Et q^u nul g^{ant} p^{ur} nule gage de vede name en tiel cas ne p^{ig}ne nul fee p^{ur} tiel office faire. Et sil le face & de ceo soit atteynt soit cōmaunde a la p^{is}one & p^{de} sa baillie et nep^rq^unt face greuouse raunsoun a la volente le Roi.

requested or prayed to eat. And that no clerk of a sheriff, by reason of such turn, take anything; and also that from henceforward no money be levied of any ploughland nor in any other manner, by reason of executing the said office, except the half mark as is abovesaid; and if any person act contrary to the aforesaid ordinance and be thereof attainted, that he be committed to prison and further be fined at the will of the King: and that no sheriffs of franchises who take certain fees of the lordship for executing their office, take any thing for their turns from the people of their bailiwicks, but consider themselves paid with that which they take of the lordship. And if they do otherwise and be thereof attainted, that they incur the penalty aforesaid.

Also it is agreed and assented that no sheriff from henceforward hold plea of withernam before him in the county, contrary to the common law of our lord the King, any usages, erroneous, unreasonable and not in accordance with the law which have been heretofore injuriously used notwithstanding, and if he so do and be thereof attainted, that he suffer imprisonment and further be fined at the will of the King. And that no serjeant, for any pledge of withernam in such case, take any fee for performing the said office. And if he so do and be thereof attainted, that he be committed to prison and lose his bailiwick, and nevertheless make heavy ransom at the will of the King.

XXV.

No pleas of
withernam
before
sheriffs.

29 EDWARD III. A.D. 1355.

[CLOSE ROLL, 29 AND 30 ED. III., ARTICLE 36*f.*]

B̄re p̄ Rege direct̄ } R. diſcis & fidelib̄ suis Robto de Beſſlaco
 Robto de Beſſlaco } Riſco fitz William Thome Belynges &
 & al. } Walſo de Bykenore ad ſcrutandū portus
 naves & domos in portub̄ & aliis locis maritimis, ac ipa loca
 maritima a portu de Holpatrick & in eodem portu uſq;
 Dublii & ad areſtand blāda & pisces in nauib̄ ad educend
 poſit & ad portus & domos mari vicinos occulte p̄ noctes ad
 educend duc̄t cont̄ plamaçoes & inhibiçoes ex pte nra ſu
 ḡui ipo bladoz & piciū foriſtura nra ſin licencia nra ſpali
 tam infra libtates q̄m ext̄ assignatis ſaltm. Licet p̄ nra ac
 Ministroz nroz Prelatoz Magnatū & cois populi & Pre nroz hibn
 vtilitate publica de consilio nro duxim' ordinand qd forſtalla
 tores p̄uati mfcatores broggatores & alii qui vocant Braggers
 & Loders qui cont̄ plamaçoes & inhibiçoes sub p̄dca & alia
 ḡuori foriſtura p̄ nos fcas ne pisces occulte p̄ forſtallamenta
 vel fraudulentā ſeu ſubtilē & dampnosam hi conuençoeſ
 enſent nec occulte in noctib̄ aut alias ad domos ſingulař
 pſonaz in Civitate p̄dca vel alibi ad ſaliend & ext̄ ſram mittend
 ſet veri emptores pisces ipoſ ad ſcabella dce Civitatis & alioz
 locoſ publica abſq; om̄i fraude & dampnosa conuençoe hi
 vendent ducent put ante iam inuentas fraudes fieri conſueuit
 pisces hi anteq; capiunt & cū capti ſuſt forſtallando p̄ maiori
 ſcio q̄m valent & valere conſueuerūt poſt plamaçoes &
 inhibiçoes nras hi emerūt & indies emunt & ad domos dcoſ
 forſtallatoz p̄uatoz mfcatoz & broggatoz ac alioz qui hi

29 EDWARD III A.D. 1355.

Writ for the King, } THE King to his beloved and
directed to Robert } faithful Robert de Beverley,
de Beverley and others. } Richard fitz - William, Thounas
Belynges and Walter de Bykenore, appointed to search
harbours, ships and houses in the ports, and in other sea side
places, and the sea side places themselves, from the harbour of
Holmpatrick and in the same harbour up to Dublin, and to
arrest corn and fish placed in ships to be brought away, and
brought to ports and houses near the sea secretly by night,
to be brought away contrary to proclamations and inhibi-
tions on our part, under the heavy forfeiture to us of the said
corn and fish, without our special license, as well within liberties
as without, greeting. Although for the public benefit of us and
our officers, prelates, magnates and the common people of our
land of Ireland, by our Council we have thought fit to ordain
that forestallers, private merchants, brokers and others who
are called "braggers and loders" who, contrary to the proclama-
tions and inhibitions made by us under the aforesaid and other
more heavy penalty of forfeiture, that they should not purchase
fish secretly by forestalments or a fraudulent, subtle and in-
jurious agreement of this kind, nor secretly by night or any
other time to the houses of individual persons in the aforesaid
city or elsewhere, bring them to be salted and sent out of the
land, but that bona-fide buyers should sell the said fish
at the public shambles of the said city and other
places, without any such fraud and injurious agreement, as
was wont to be done before these frauds were discovered, by
forestalling the fish in this way before they are taken and
when they are taken, for a greater price than they are value
for, and were wont to be value for, after our proclamations
and inhibitions, have purchased and daily do purchase, and to
the houses of the said forestallers, private merchants and
brokers and others, who practise and procure to be practised

forstallamenta & abroggamenta p' alios faciūt & fieri p'curant ad saliend' & ext' p'ram n'ram sine debita licencia t'nsmittend' duxerūt & ducunt p' ipoꝝ cōmodo singulari. Ita qd raro¹ & q'ndoꝝ nulli pisces in diebꝝ quibꝝ pisces comedunt' ad vendend' p' sustentacōe Ministrorū Prelatoꝝ Magnatū & populi p'dcoꝝ inveniunt' in n'ri & mandatoꝝ n'roꝝ p'dcoꝝ contemptū & Ministroꝝ n'roꝝ & alioꝝ populi p'dcoꝝ g'ue dampnū & deßissionē maxime cū dci pisces qui p' ipos forstallatores broggatores & p'uatos m'catores ac ordinaçōem suam & p'cii imposiçōem vendicōi exponunt' in dupli vel triplici maiori p'cio q'm alias vendi deberent & consueuerūt vendant' & cont' p'clamaçōes & inhibicōes n'ras sub forisftura hiꝝ inde fcas. Nos volentes ipoꝝ machinate malicie & dampno publico obuiare iposq' talit' delinquentes punire debito in hac pte, vob' & v'rm cuilibet sub piculo qd incūbit ac eciam sub g'ui forisftura n'ra districcius iniungendo mandam' qd statim visis p'sentibꝝ ad portū de Holpatrick necnō ad singulos portus aliunde vsq' Dubliñ tam maiores q'm minores vbi sunt p'catores & pisces capiunt' tam infra libtates q'm ext' ifato ne ordinaçō n'ra & consilii n'ri p'dca quēq'm lateat p'clamari & inhiberi ex pte n'ra faç ne qui forstallatores p'uati m'catores Broggatores Braggers siue Loders sub forisftura pisciū corporū & bonoꝝ suoꝝ p' hiꝝ forstallaçōem aut occultā & dampnosam conuençōem seu quoquis alio colore ante capçōem pisciū vel post cont' dcam ordinaçōem vnde dampnū cōe aut maior inde caristia sequi posset emant aut ipi p'catores seu alii eoꝝ nōie talit' forstallatoribꝝ aut aliis p'dcis captos hiꝝ pisces vendant nec ad ptes ex'cas mittant sine sp'ali n'ra licencia vt est d'cm set qd veri emptores ac Loders & Braggers pisces in portubꝝ cū capti f'nt absq' om̄i fraude forstallaçōe & p'hiita conuençōe ad

¹ So in MS. for raro.

by others such forestallings and brokages, to salt them and send them out of our land, without due license, have brought and do bring for their own individual accommodation. So that few and sometimes no fish are to be found for sale on the days on which fish is eaten, for the sustenance of the aforesaid officers, prelates, magnates and people aforesaid, in contempt of us and of our mandates aforesaid, to the grievous loss and injury of our officers and others and of the people aforesaid, especially when the said fish, which by the said forestallers, brokers and private merchants and under their own ordinance and fixing of price are exposed for sale, are sold for double or treble greater price than otherwise they ought and were wont to be sold, and contrary to our proclamations and inhibitions, under the forfeiture in that case provided. We, being willing to obviate their contrived malice and the public loss, and to punish duly in this behalf those offending in such a way, you, and every of you, under the penalty which attaches, and also under heavy forfeiture to us, most strictly enjoining, command that immediately on sight of these presents, at the harbour of Holmpatrick, also at the Proclamation several harbours at other places, up to Dublin, as well large as small, where there are fishermen and fish are taken, as well within liberties as without, lest the aforesaid ordinance of us and of our Council be by any means concealed, you again cause proclamation and inhibition on our behalf to be made, that no forestallers, private merchants, brokers or laders, under forfeiture of their fish, their bodies and their goods, by such forestalling or secret or injurious agreement or any other pretence, before the taking of the fish or after, contrary to the said ordinance, whereby common loss or greater scarcity thereof may ensue, purchase, or the fishermen themselves or others in their name in such manner to the forestallers or others aforesaid, sell fish taken in this way, nor send them to foreign parts, without our special license as aforesaid, but that bona-fide purchasers and laders and brokers purchase the fish in the harbours when they shall be taken, without all this fraud, forestalling and prohibited to be made against forestallers of fish. Bona-fide purchases in the harbours for sale in the city.

suū ppriū & nō altius vsum emant & vendant in Cívitate þdča
 & alibi illis qui p sustentacōe sua & domus sue eos eme volūunt
 cessantib; forstallačoib; & fraudib; quibuslibet vt est dčm, &
 omes illos quos tam post pōres q;m p̄sentes p̄clamačoes &
 inhibičoes n̄ras cont̄riū facientes vel inde p inquisičoes in
 portub; & locis þdčis p vos & v̄m quemlibet capiend culpabiles
 inueſtitis tam emptores q;m venditores hi? sic culpabiles vna
 cū p̄scib; sic emptis & venditis tamq;m noſ forisfitis areſtetis
 & attachietis & corpora eož ad Caſtrū n̄m Dubliň t̄nſmittatis
 ibidem custodiend & p̄ſces sic areſtatoſ saluo ad opus n̄m
 custodiri fač quousq; aliud inde ex delibacōe dči consilii n̄ri
 duxim' ordinand. Et vos & quilibet v̄m scrutinia tam in
 domib; in singlis portub; & locis mari vicinis þdčis q;m in
 nauib; ac inquisičoes hi? de emptorib; & vendorib; þdčis ter
 bis vel semel ad min' aut pluries in ebdomoda put expedire
 videritis fač et nos in Cancellař n̄ra h̄ibn de nōib; areſtatoꝝ &
 cont̄riū facienciuſ ac de num̄o & valore p̄ſciū quos sic forisfitos
 inueſtitis de tempore in tempus sub sigillis v̄ris vel alicuius
 v̄m ſtificetis vt delinquentes talif cū rigore iusticie puniam',
 vt alii metu pene ad faciend talia p̄hibita conpescant'.
 Scientes qđ si vos negligentes in execučoē p̄ſentis mandati n̄ri
 inuenti fūtitis vel remitti corpora v̄ra pena simili puniend
 areſtabim' & forisfituram in vos & v̄m quemlibet exēcebim'
 sup̄dčam. Nec volum' qđ aliquis v̄m pp̄l absenciam aliius
 se excuset p̄missa f.āe vel omittat Intenčois tamē n̄re & dči
 consilii n̄ri existit qđ Justič Cancellař & Theſ n̄ri Hiſb̄ cefiq.
 Ministrī n̄ri aut magnates & alii fideles n̄ri emp̄coes &

agreement, to their own proper use and no other, and sell them in the said city and elsewhere to those who wish to purchase them, for their own sustenance and that of their households, forestallings and frauds of every kind ceasing, as aforesaid, and all those whom, as well after the former as our present proclamations and inhibitions, you shall find doing the contrary or thereof guilty, by inquisitions in the ports and places aforesaid, by you and every of you to be taken, as well the buyers as the sellers, so guilty in this way, together with the fish so bought and sold, as forfeited to us, you arrest and attach, and their bodies to our castle of Dublin you transmit, there to be kept, and the fish so arrested you cause to be kept safely, to our use, until we see fit to ordain otherwise therein, after deliberation of our said Council. And that you and every of you cause searches to be made, as well in houses in the several ports and places near the sea aforesaid, as in ships, and that you make such inquisitions as to buyers and sellers aforesaid, thrice, twice or once at the least, or oftener in the week, as you shall see fit, and us in our Chancery of Ireland of the names of those arrested and acting contrary, and of the number and value of the fish which you shall find so forfeited, from time to time under your seals or those of any of you, you shall certify, so that we may punish those offending in such a way with the rigour of justice, so that others through fear of punishment, may be restrained from committing such prohibited acts; causing you to know that if you be found negligent or remiss in the execution of our present mandate, we shall arrest your bodies for the purpose of visiting them with similar punishment, and we shall exercise the aforesaid forfeiture against you and every of you. And we will that none of you, on account of the absence of another, excuse himself or omit to act in the premises. Nevertheless it is the intention of us and of our said Council that our Justiciar, Chancellor and Treasurer of Ireland and other our officers, or the magnates and our other faithful subjects, may freely make purchases and supplies

2 D 2

puidencias pisciū p sustentacōe domoꝝ & familiaꝝ suꝝ in portubꝝ & locis pdcis libe face possint dūmodo quicqꝝm doli in hac pte fiat nec fraux nec decepcō sub eo colore quoquis modo cōmittat̄ cont̄ ordinaçōem p clamaçōes & inhibiçōes nras sup̄ d̄cas. Et nolum⁹ qd p textu p̄sentis mandati nri libertati & iuri ecclie Dublineñ fiat p̄iudciū aliquale. T. p̄fato Justiç apud Dubliñ vij die Junii. p ipm Justiç & cons.

of fish, for the sustenance of their houses and households in the ports and places aforesaid, provided that nothing crafty in this behalf be committed, nor fraud or deception, under colour of it, in any way be practised, contrary to our ordinance, proclamations and inhibitions aforesaid. And we do not wish that under pretext of our present mandate, any prejudice be done to the liberty and right of the Church of Dublin. Witness the aforesaid Justiciar at Dublin the 7th day of June.

By the Justiciar himself and the Council.

29 EDWARD III. A.D. 1355.

OF THE CORRECTION OF ERRORS IN PARLIAMENTS TO BE HELD IN
IRELAND.¹

The King to his Justiciar and Chancellor of Ireland greeting. On behalf of some of our lieges of the community of our land of Ireland, it has been shewn to us with grievous complaint, that whereas they have sustained very many losses and injuries for a long time, because they cannot recover out of our hands their lands and tenements which have been taken into our hand by our officers of the said land, as well by way of restraint as by reason of trespass or of alienation made without our licence, of their own will and without reasonable cause, although they might have prosecuted in proper form and by due process thereof within the power of you and others of our council in those parts, according to the law and custom of the said land. And also because the errors which are alleged to have occurred in the records and processes of pleas held before our Justices and other Courts and Places in the said land which have record, and in the returns of the said judgments and pleas, cannot be corrected in Parliaments in the said land, nor can justice be done thereof in other wise without seeking a remedy in England; on which account, because of the labour and expense incurred in the premises, they are brought to the greatest wretchedness and want, and some are altogether deprived of their inheritance; wherefore our said faithful subjects have earnestly prayed that we should cause a suitable remedy to be applied in the premises. And inasmuch as it appears to us and our council to be hard and oppressive that complainants, in the prosecution of justice for injuries inflicted upon them in the parts aforesaid, should be so harassed without remedy, therefore for the quiet and indemnity of our people who are in the said land under our rule, to whom we are debtors in the display of justice; we have ordained that of all lands and tenements in the said land, by our Justices, escheators, or any other officers whomsoever, without our mandate under our seal, taken into our hand, to those who are willing to sue for the said lands and tenements out of our hand by due and just process before you, full justice be hereupon done, according to the law and custom of our realm of England and of our said land of Ireland, any

Liberty to sue
in Ireland for
lands taken
into the King's
hands.

¹ The text, taken from Close Roll, Engl. 29 Edward III, m. 12, is printed in Bymer's *Fœdera*, Vol. III, pt. 1, p. 312, and in Prynne's *Antimadavers* (1669), p. 286.

our mandates whatsoever under our great or privy seal of England to you or other our officers in the said land heretofore directed notwithstanding. And that at the suit of all and singular who wish to complain that errors have occurred in the records and processes held before any Justices or other officers aforesaid, the rolls of the said records and processes be produced in our Parliaments in the said land to be held, by the Justices or officers before whom those records and processes were had, and there the said records and processes be diligently read and examined, and the errors, if any happen to be found therein, be duly amended. And therefore we command you that you cause the aforesaid ordinance to be observed in our said land, and full and speedy justice to be done to the parties complaining in form aforesaid, any mandates whatsoever to the contrary to you or others in the said land heretofore directed notwithstanding. So that no one may have reason for complaining henceforth to us, for default of justice in the aforesaid cases. Witness the King at Westminster the 30th day of August.

Amendments
of errors in
records and
processes of
pleas.

By the King himself and the Council.

31 EDWARD III. A.D. 1357.

ORDINATIO FACTA PRO STATU TERRÆ HIBERNIAE.¹

AN ORDINANCE MADE FOR THE ESTATE OF THE LAND OF IRELAND.

The King to the Archbishops, Bishops, Abbots, Priors, to our officers both great and small, and to other our faithful subjects whomsoever, of our land of Ireland, unto whom these presents shall come, greeting. Whereas from the frequent information of trust-worthy persons, we have learned that our land of Ireland, and the Irish Church, and the clergy and people thereof subject to us, through default of good government and the neglect and carelessness of the royal officers there, both great and small, have been hitherto in divers ways disturbed and oppressed ; and the marches of the said land situate near the enemy, have been laid waste by hostile invasions, the marchers being slain and plundered, and their dwellings outrageously burnt, and others compelled to desert their own places, some of them flying to the enemy, and others to strange places ; and divers parts of the said marches being thus desolate and deserted have been occupied by the enemy ; and the affairs of us and the said land unsuitably and unprofitably carried on, the laws and approved customs not duly observed, our people in divers manners spoiled of their goods and property, against justice, law, and the form of the statutes thereof made ; and our peace broken and ill kept, and traitors, thieves, and malefactors not punished as they ought to be : by occasion of which evils, greater and irreparable losses (which God forbid !) are feared to happen, unless they are met by fitting remedies. We desiring to provide for the good government and quiet of the said land and people, have thereupon, by assent of our council, determined that the matters following be ordained and steadfastly observed.

Liberties of the
Irish church
confirmed.

I. Firstly, we will and command that the Holy Irish Church have her liberties and free customs inviolable, and freely enjoy and use the same.

Discussion of
public matters
in Council and
in Parliament.

II. Also we will and command that the affairs of us and of the said land, those especially which are great and arduous, in Councils, by our skilled councillors and the prelates and magnates, and certain of the more discreet and prudent men of the parts adjoining where those councils

¹ The text, taken from the Statute Roll, Engl. 31 Edward III, m. 12, is printed in *Statutes of the Realm*, I, p. 357, in Prynne's *Animadversio-s* (1609), p. 287, and in Ryley's *Placita Parl.*, p. 692. This ordinance was exemplified and confirmed ; see Patent Roll (Engl.), 17 Ric., II, pt. 2, m. 34.

may happen to be held, for this cause to be summoned, and in Parliaments by those our councillors, and the prelates, and nobles, and others of the land aforesaid, as custom requires, according to justice, law, custom, and reason, be treated, managed, and faithfully discussed and also determined, without fear, favour, hatred, or reward.

III. Also whereas the justices and certain others who have been Justices and
great officers
shall not retain
in their service
evil counsellors,
especially
brokers. heretofore our officers of our said land, led by the counsels of their private counsellors and not of ours, not to say of brokers, have occasioned innumerable wrongs, as well to us as to singular other persons, applying their gains unlawfully acquired in that behalf to their own uses and not to ours; we will and command that our said officers, especially the greater, keep not in their service such counsellors as aforesaid who are brokers, more especially those defamed of such brokages, who have heretofore belonged to such chief officers; and if they should have retained any, that they forthwith remove them from them, that the affairs of us and the land be not obstructed by the said brokers; nor the profits to us appertaining be carried away from us through the means of their feigned counsels; and if such private counsellors, which God forbid, being retained among the followers of those our officers, contrary to the aforesaid ordinance, should receive any thing from the people or any of them, to their oppression by brokage Punishment
for oppressing
the people by
brokage. or other underhand bargain, to their own use or that of their lords, that they restore it fully to him that paid the same, and nevertheless, for such extortion, be duly punished toward us by our Justiciar and council of Ireland; and make reasonable fine to us, as shall seem meet unto our said Justiciar and council, and be removed forthwith, as is above rehearsed, from their retinue; we hereby strictly enjoining our Justiciar of Ireland for the time being, that this he do faithfully observe in his own person, and do cause the same to be observed by others.

IV. Also, whereas the people through almost all Ireland subject to us, by plunderings and takings of victuals and others of their goods, by purveyors of the said chief officers, and very frequently by command of those officers, have been lamentably oppressed; we will and strictly command, that purveyances of victuals to be made in the said land of Ireland, for the use of us and our said chief officers, be made according to the form of the statutes and articles published and made by us in Parliaments and other great councils, for the benefit of our people, and not otherwise; so that victuals or other things whatsoever to be taken Victuals, &c., to
be appraised. for such use, be appraised by good and lawful men of the neighbourhood of the places where they shall happen to be taken, sworn thereto, and not menaced nor compelled by menaces, having regard to the

Payment.

price at which such victuals and things are sold in the neighbouring markets, and that the price be paid forthwith: and if for lack of money the said purveyors make tallies of such price to those from whom the victuals and things were taken, according to the said price, that they pay the same price within one or two months. Provided always that for small victuals and things so bought and taken, that is to say, under the sum of twenty shillings, that ready payment in hand be made; and if our chief officers neglect to do this, we will and command that our Treasurer of Ireland for the time being, pay the said price without difficulty, out of the fees which our said chief officers receive at our Exchequer of Dublin; or else that so much be taken from the fee of the said Treasurer, and paid for the said victuals, for his default in this behalf; and that the purveyors deputed to purvey such victuals,

Purveyors to be sworn.

make their corporal oath upon the Holy Gospels of God before our council of Ireland, that they will purvey and take such victuals, where

it may be done to the greatest advantage of us and our officers, and the least damage to our people, according to the form of our com-

missions thereof to be made to them under our great seal of Ireland; which contain the method and form of making such purveyances, according to the tenor of the statutes and articles aforesaid; and that clause especially, "if they do otherwise, let it be done of them as of thieves"; and that they take not fines or gifts from others, that they may spare them and injure others; and that no victuals or other things be taken or purveyed, as is aforesaid, for the use aforesaid, by any commissions of our said chief officers under their seals, but only by commissions under our great seal of Ireland: and we will moreover

that such purveyances be made by deliberation, as well of our council, as of certain prudent and trustworthy persons among the chiefs of those neighbourhoods wherein they our said chief officers abide, or whereto they happen to come; so that the grievances in that behalf may cease, which have hitherto woefully oppressed our liege

people of Ireland. But for the honour and worship of God and Holy Mother Church, we will not that any thing be taken in anywise in

churches, or the endowments and fees of churches, to the use of us or those officers, either by those our officers, purveyors, or any others, against the will of the prelates or ecclesiastical persons or the guardians of their places and goods.

Saving for the clergy.

V. Also, whereas through the default and neglect of our said chief officers, our peace in divers parts of the said land, as well without the marches as within the same, has been carelessly kept, whereby thieves, malefactors, and disturbers of the said peace being made bolder, have hitherto publicly committed manslaughters and robberies, as well in

lands of peace as in the marches, and have exacted fines and ransoms from divers men, that they might let them go in peace, and by threatenings to kill them and to burn their houses have extorted the same; and thus in divers parts where peace has flourished, the march has become full of war and the people afflicted: we will and strictly command that our Justiciar of Ireland who now is, or for the time being shall be, in every county where he shall hold his sessions, make diligent inquiries, concerning such manslayers and manslaughters, robbers and The Justiciar to enquire as to manslaughters, robberies, &c.

robberies, trespassers and trespasses, and those who exact and extort such fines and ransoms, and also concerning those who are called idle men, and malefactors who are also called kernes and their leaders, by whom the liege people of divers parts are oppressed and destroyed, and very many of them compelled to leave their own places, many times and often in the year, and cause the parties indicted to submit to justice, if he would avoid our indignation and the punishment due on our behalf.

Moreover, we will and command that the residents in the country where it shall happen that such robbers and malefactors are wandering, and committing robberies and thefts, make competent satisfaction to those of the said country, who are robbed and plundered of their goods by the persons aforesaid, if they did not pursue such robbers and malefactors with hue and cry, nor have answered for their bodies, according to the form of the statute heretofore made and provided at Winchester; and if the keepers of the peace in the counties of our said land of Ireland should be negligent in the execution of their office, we will and command that frequent inquiry be held touching their neglect and careless conduct, by our Justiciar of Ireland; and that he punish and chastise them, by imprisonment of their bodies, and by fines to be made with us, according to the manner, quality, and quantity of their faults, neglects, and offences.

VI. Also, whereas by occasion of charters of pardon of felonies and trespasses, by those who have hitherto been our Justiciars of Ireland, generally and improvidently granted, seditions, manslaughters, robberies, thefts, and trespasses have been more frequently committed, and other evils innumerable have ensued thereupon; we will and command that such charters be not granted from henceforth, except in parliaments or councils, by the assent and advice of the said parliaments and councils, having regard to the qualities of the persons and of the offences committed: provided that no general pardon be thereof granted, but that the felonies or trespasses committed be specified and pardoned, expressed therein, according to the tenor of a certain statute by us and our council of England made, and sent into Ireland to be observed.

Charters of pardon shall not be granted, except in parliaments or councils.

Felonies to be specified in pardons.

[17 Edward II., c. 6, see p. 294.]

The council of Ireland, &c., to certify into England only true reports as to the state of Ireland.

VII. Also, whereas our council of Ireland and certain prelates, magnates, communities of cities and towns, and likewise others being messengers sent from Ireland, have by letters and suggestions untruly certified us and our council in England from time to time, that good peace was preserved in our said land of Ireland, and that peace in all parts or in divers marches had been re-established; in which times there occurred greater manslaughters, burnings, and plunderings of the English marches and other mischiefs, from sudden invasions of the enemy, than in times of wars; and we confiding in such certificates, did not provide defences and other remedies, as behoved us, in convenient time, whereby divers countries are weakened and wasted; the which deceits and delusions in such certificates we intend not to pass over in silence, but to punish; we will, and under heavy forfeiture to us do command, that from henceforth no prelates, magnates, communities, or any others, for the avoiding of future dangers, dare or presume, upon the procurations of any of our officers or otherwise, to certify us and our council in such case, except of the truth of the fact; and if they presume so to do, and be thereof found guilty, we shall cause them to suffer due punishment.

Marriage between English and Irish and fostering prohibited.

VIII. Also, whereas by marriages and divers other ties and the fostering of infant children among the English dwelling in the marches, and the Irish, and by forewarnings and espials made on both sides by the occasions aforesaid, infinite destructions and other evils have happened hitherto, and the expeditions of us and of our Justiciars there in our name, as well in acts of war as in other useful progresses, have been impeded; we will and command that such marriages, to be contracted between English and Irish, and other private ties and fostering of infant children, from henceforth cease, and be altogether done away; and that our Justiciar of Ireland for the time being make diligent inquiry from time to time, of such marriages between English and Irish, ties and fostering of infants, and of the adherings together, forewarnings and espials made by such occasions, if hereafter any happen to be contracted or made, and punish the offenders according to the law and custom of our land of Ireland.

Mayors and officers of the staple not to exceed their jurisdiction.

IX. Also, whereas the mayors, constables, and other officers of the staple of Ireland, by colour of the statute of the said staple, hold cognisance of, and make erroneous and unjust processes in, pleas of debts, trespasses, and divers other complaints, which concern not the merchandise of the staple, and of old causes before the time of the said staple, like as in matters and pleas of the staple, to the very grievous damage of our people of those parts: we will, and prohibiting command, that the said mayors, constables, or other officers of the said staple, do not

hold any other pleas than those which belong to them, according to the force, form, and tenor of the aforesaid statute of the staple ; and if they so do, that our said Justiciar from time to time thereof make inquiry, and duly punish the offenders.

X. Also, whereas certain officers, both great and small, and the serjeants who plead in our courts there, and sometimes the clerks of the Places, notwithstanding the statutes enacted touching champerty, as well for gifts and bargains, as mutual covenants among themselves and some of the parties pleading before them, to have the lands in plea when they should be recovered, have maintained, defended, and aided one of the parties ; so that commonly the land so in plea, and recovered through an error in justice, by the maintenance and aid of the aforesaid officers and serjeants, has remained in the hands of some one of them, without his paying anything or but little for the same ; and thus the parties are cheated out of their land, and having lost the expenses incurred in the said pleas, have been brought to poverty or a miserable state ; we will and command, and strictly enjoin, under heavy forfeiture to us, and under the penalties contained in the said statutes, that none of our officers great or small, serjeants or any clerks whatever, make or carry on such maintenances, defences, or aids to parties upon such occasions against justice, nor acquire land so in plea, or attempt any thing else, against the form of the said statutes.

XI. Also, whereas writs of debts and trespasses and other things besides, which ought to be pleaded before our justices at common law, are commonly pleaded in our Exchequer of Dublin by writs of the said Exchequer, whereby our Treasurer and Barons, and the clerks of the said Exchequer, being occupied about such pleas, are hindered from attending to the business of us and our people, which belongs to their offices in the said Exchequer, by the law and custom of the said Exchequer, whereby the said businesses are daily delayed, to the grievous damage of us and our people ; we will, and strictly enjoining do command, that such common pleas be not pleaded in the said Exchequer, contrary to the form of the statute thereof made and provided ; and that the Chancellor of the said Exchequer, if he do sign such writs at common-law, or do cause or suffer the same to be signed under the seal of the said Exchequer, for the contempt done unto us, and for the wrong brought upon the party, answer as he ought to do, before our Justiciar, either by our writ or by bill.

XII. Also, whereas through false and untrue suggestions of certain persons of Ireland passing to and fro, having railing tongues, and striving to injure the fame and reputation of our good officers and other

Common Pleas
shall not be
pleaded in
the Exchequer.

Bills and
suggestions
shall be
transmitted
under great

seal of
England to the
Justiciar, &c.,
of Ireland for
enquiry.

liege subjects in those parts, as well by bills as suggestions, not without scandal, the affairs of us and our land are thereby often hindered ; we will and ordain that from henceforth such bills and suggestions, when put into writing, be transmitted under the seal of the chancellor of England for the time being, to our Justiciar, Chancellor, and Treasurer of Ireland for the time being ; to the end that they, calling unto them such others as they shall think meet to be called, in the presence of the said comers to and fro, or brokers, whom we do likewise will to be sent back into Ireland, make diligent inquiry of the contents of such bills and suggestions aforesaid ; and if the bills and suggestions do contain truth, that they duly correct and amend the defaults. And if the said comers to and fro, and brokers have suggested falsehoods and lies, that they suffer due punishment, that such punishment may afford a warning to others to abstain from such things.

In treatise of
peace between
the Justiciar
and the Irish,
satisfaction
agreed on shall
be strictly
enacted.

XIII. Also, although in the renewals of peace between our Justiciar of Ireland and the Irish, upon the wars stirred up on either side, it has been commonly expressed that for damages caused by wrong-doers, peace broken, or mutual depredations done by invasions, restitution of goods or due satisfaction should be made to those who had suffered losses ; yet the Justiciars heretofore have not taken care to insist upon the making such satisfaction to the English injured, whereby the said English have been hitherto oppressed, and the enemies being thereby enriched, have been eager so much the sooner to break the peace, and to commit plunders and other direful evils ; we will and strictly command, that the Justiciar of Ireland for the time being, when it shall have been ordained by peaces and treaties of peace, or otherwise, that such satisfaction should be made on either side, diligently insist and take care, that in such case, mutual justice and speedy satisfaction be done to those who have suffered injury in that behalf.

The Justiciar
of Ireland shall
enquire of
King's debts
paid to the
sheriffs.

XIV. Also, whereas the sheriffs of counties in Ireland have often and repeatedly by grievous distresses, levied of the people of their bailiwicks, many and divers debts of the green wax, and other debts arising upon summons and estreats, and otherwise in demands ; and have neither charged themselves in their accounts, nor, at the Exchequer aforesaid acquitted those who paid, to our great damage and the manifest oppression of the people ; we being minded to apply a remedy in this behalf, do will and strictly command, that our Justiciar of Ireland for the time being, in every county in which he shall hold his sessions, diligently inquire, that is to say once in the year at least, concerning such debts so paid to the sheriffs by those of the people, whether once

or more, that is to say, as well for the time past, as he shall deem expedient, as for the time to come; and that all such debt^r, which, by tallies or acquittances of the said sheriffs, or the under sheriffs or serjeants-general of those counties, or seneschals, or bailiffs, or other officers, or by inquests thereof to be taken or by other lawful means, it can be made appear, have been paid to them by those of the people, together with the names of the receivers and payers, he cause to be enrolled and put into writing, and those rolls to be sent under his seal to the Exchequer aforesaid: to the end, that the Treasurer and Barons of the said Exchequer, upon inspecting those rolls, and examining the rolls of accounts of those sheriffs and other officers aforesaid, there remaining, and other rolls and remembrances touching the premises, calling before them the sheriffs, officers, and others who should be called, cause the said sheriffs and officers to be charged with the sums which it may be made appear that they did so levy, without charging themselves in their accounts or otherwise for the same, and for the concealments in that behalf to be punished, and the payers of the same to be acquitted at the said Exchequer; and if the said debtors have paid one and the same debt many times, that the said sheriffs and officers or their heirs or executors, be compelled to restore the same beyond one receipt to the said debtors, their heirs or executors, as is just. And if the aforesaid Justiciar cannot attend to these matters, being hindered from various causes, we will and command, that three or two of the most trusty and lawful men of those counties be assigned, by commissions under our great seal which we use in Ireland, to inquire, and to do and fulfil all other things in the same article contained, in the form aforesaid.

XV. Also, although many of our debtors have paid their debts required of them, at the aforesaid Exchequer, and have been discharged and acquitted thereof in the great rolls of the said Exchequer, yet those debtors, in the rolls of the remembrancers of the said Exchequer, whence the exaction of those debts has issued, are not acquitted of the said debts; whereby the very debts paid do almost daily run in demand, and they being so acquitted, nevertheless under pretext of exactions issuing from the remembrancers' offices, by grievous distresses, with grievous expenses and trouble, being compelled to come to the said Exchequer for this reason, and to plead, and to pay large sums for making searches in the said remembrancers' offices, are miserably oppressed; we will therefore, and do strictly command, that the Treasurer and Barons of the Exchequer aforesaid, do enjoin and cause the engrossers of the said Exchequer, when any such debtors have been made quit of debts in the said rolls, forthwith to show those acquittances

And certify them with names of receivers and payers into the Exchequer.

Exchequer to charge sheriffs and acquit payers.

Sheriffs, &c., shall be compelled to refund overpayments.

Acquittances of debts to be entered in remembrance rolls.

to the aforesaid remembrancers, and the said remembrancers to be thereof in like manner discharged and acquitted in their rolls ; under a heavy penalty, either pecuniary or otherwise, upon those in whom neglect or omission in this behalf shall have been found, by our said Justiciar and others of our council, in their discretion, to be imposed.

The King's subjects not to be taken or imprisoned by the justices without indictments or presentments.

XVI. Also, whereas certain of our justices of Ireland have arrested, taken, and imprisoned divers men of Ireland great and small, by writs, precepts, bills, and otherwise, at their will, and without indictments, presentments, or due processes, and have detained them in dark prisons and bound in irons, until through duresses, imprisonments, and penalties inflicted, they made fines and ransoms with the said justices and their private counsellors and brokers according to their pleasure, to their own personal profit and not to ours, against the form of the Great Charter and other our statutes thereupon made, and against the law and custom of the said land ; so that by means of such private counsellors and their covetousness and personal profits, our rights and those of our Crown, and our profits have been often withdrawn, injured, subverted, and lost ; and likewise many persons, as well those indicted as those not indicted, and imprisoned, have besought the said justices to have their deliverances according to the law and custom of the said land, which they could not obtain at the common law, until they made and paid in like manner such fines and ransoms with the said justices and their private counsellors, to receive for their own use and not for ours, for having their deliverances at common law, or gave them security for the same as contented them ; we will and strictly command, that men being our subjects, without indictments, presentments, or other due processes, against the form of the charter and statutes aforesaid and the law and custom abovementioned, by our justices of Ireland, for the time being, or their deputies, or by their precepts, or mandates, or bills, by no means be taken or imprisoned. And if the contrary be done, as well for the time past as in future, we shall cause timely remedy to be applied against the offenders, according to the advice of our council, at the complaints of the parties aggrieved and making complaint.

The Justiciar of Ireland, with a prelate, earl, the chancellor and others shall yearly enquire into the conduct of inferior officers.

XVII. Also, whereas by the good and discreet government of officers, the land and people are strengthened, and affairs have a prosperous issue, so by their neglect and carelessness unexpected evils arise, wrongs happen, and businesses are in various ways obstructed, we will, and for the public weal of ourselves, and our land and people of Ireland, do ordain, that our Justiciar of Ireland for the time being, taking unto him a prelate and an earl, of the parts nearest to those where the inquests following ought to be made, and the Chancellor and Treasurer

and certain others of the more learned justices of the Places, and Barons of the Exchequer there, every year about the middle of the year, by the oath of good and lawful men, as well clerks as knights and other lawful men of the county of Dublin, and also of other counties, if need be, of our said land of Ireland, make diligent enquiry concerning the actings and doings of our officers of the aforesaid land (the Chancellor, Treasurer, and Justices of both Places and Barons of the aforesaid Exchequer, who are judges in their own Places, and award judgments, alone excepted), that is to say, in what manner each of them bears himself in his office and does his duty, and how he does justice, or wrongs, or oppressions, or grievances, or damage unto us or our people, as well in the country as in his Place, by colour of his office or of royal commissions thereof made to him, or for gifts perverts justice or aggrieves any man, and of all circumstances and other things that cause damage or prejudice to us and wrong or grievance to our people. And of every of those things which shall be so found by such inquests, that he certify us and our council in England without delay, under his seal and the seals of those so associated with him, and of those likewise by whom they shall have been made: we enjoining the said Justiciar that he take the said inquests every year in form aforesaid, and certify us thereof as aforesaid. Moreover we will, and in commanding ordain, that our said inferior officers (the greater officers being as aforesaid excepted), that is to say, each of them at the end of every year if need be, and also, when they shall be removed from their offices, forthwith after such their removals, before the aforesaid Justiciar and the other persons aforesaid to be associated with him, answer for their excesses and other matters aforesaid, as well at the suit of us as of our people, and of any private persons of the said people, and undergo justice according to the law and custom of our aforesaid land of Ireland; which we will and command to be done by our said Justiciar. And that the said Justiciar and the others associated with him, likewise certify us and our council in England, as often as need be, of the state of our said land and of our affairs there, and of the acts of the officers aforesaid.

XVIII. Also, although as well those English born in Ireland, as those born in England and dwelling in Ireland, are true English, and live under our dominion and government, and use the same laws, rights, and customs, yet divers dissensions and maintenances, by reason of race, between those that are natives of Ireland and those that are natives of England, have arisen and are made here and there, whence many evils have heretofore happened, and it is to be feared that greater will happen, unless a remedy be applied thereto;

Their proceedings to be certified to the King and council in England.

The inferior officers to answer before the Justiciar for their excesses.

The Justiciar of Ireland shall enquire of dissensions between natives of England and Irish of English extraction.

Punishment
of offenders.

we will and strictly command that our said Justiciar, calling unto him our Chancellor and Treasurer of Ireland, and certain prelates and earls whom he shall think fit to be summoned when they shall be in the neighbouring parts, earnestly inquire many times and often, as need may be, concerning such dissensions and maintenances when they arise, and of the names of those who make such dissensions and maintenances and take part therein, and punish and chastise the delinquents, when they shall be thereof convicted or found guilty, due process being observed, by imprisonment of their bodies and heavy ransoms to be made to us, and otherwise as justice requires; because such dissensions and maintenances tend but to produce, by some means or other, schism, divisions, and treasons among the people subject to us.

Frauds, &c.,
by farmers of
the clerkship
of the market
to be enquired
of and
punished, &c.

XIX. Also, whereas the farmers of the office of clerk of the market in Ireland, thirsting for their own private gains, do not execute the duty of the said office, according to the form of the statute thereof made, nor otherwise according to right; but commonly, for fines and other ransoms, do not view nor examine the measures and other instruments pertaining to that office, nor break the false nor seal the true, nor otherwise duly punish delinquents; and very often, when fines are made to us before them, and amercements belonging to us are inserted in their rolls and enrolled, do either cancel such fines and amercements to us belonging, by erasing the same from their rolls, for money or other gifts paid to them by the offenders, or make new written rolls wherein they write not these fines and amercements so cancelled, but put them wholly out, and the fines and amercements that are made and not enrolled, they remit, and other deceits, extortions, oppressions, grievances, and excesses, as well unto us as our people in those parts all over Ireland, they do, and the same and other the things aforesaid, have done, remitted, and perpetrated, in contempt and prejudice of us and to the manifest destruction and injury of the said people, and against justice and the form of the statute aforesaid: we will and strictly command that our Justiciar of Ireland for the time being, in every county and place through which he shall pass, associating with him a prelate of the place, and some earl or other nobleman or knight of the neighbourhood, make enquiry concerning the aforesaid deceits, extortions, oppressions, grievances, and excesses, and all the matters aforesaid by the said farmers howsoever committed, and of all their acts and doings in this behalf, as well at the suit of us as of any others whomsoever willing to complain thereof, as well for the time past as for the time to come; and proceed against them, and the contempts, deceits, extortions, oppressions, grievances, and excesses,

and other the matters aforesaid, hear and determine, and the delinquents and offenders when they shall be found such, punish and chastise, according to the law and custom of our land of Ireland before mentioned; and nevertheless distinctly and openly, from time to time, for good cause certify us and our council in England, of the names of those so offending, and the deceits, extortions, oppressions, and grievances and other matters aforesaid, under the seals of him the said Justiciar and of the others associated with him.

In witness whereof &c., Witness the King at Westminster, the Twenty-fifth day of October.

By the King himself and Council.

35 EDWARD III. A.D. 1360.

PRO CLERICIS DE NATIONE HIBERNICANA.¹

FOR CLERKS OF THE IRISH RACE.

The King to his Justiciar and Chancellor of Ireland, greeting. Whereas hearing lately by the constant relation of certain people, that divers losses and disadvantages have happened to us and our faithful subjects of the land of Ireland, by reason that mere Irish, as well clerks as laymen, enemies to us, were appointed ministers and officials in cities, burghs, towns, castles, and other places in the said land, and were preferred to canonries and prebends in cathedral churches within our lordship, and other ecclesiastical benefices among the English, we commanded you that you should cause to be publicly proclaimed in the cities, burghs, market-towns, and other places in each county of the said land, that no mere Irishman, being of the Irish race, should be made mayor, bailiff, janitor, or other official or officer in any place subject to us, nor that any archbishop, bishop, abbot, prior, or any other, being of our fealty, under forfeiture of all that he could forfeit to us, should by reason of relationship, affinity, or in any other way whatsoever, receive into a canonry or prefer or admit to any ecclesiastical benefice among the English, any mere Irishman being of Irish race, as is aforesaid, but that all benefices by whomsoever of them to be conferred should, when vacant, be conferred upon English clerks or others who are of our fealty and obedience in the said land. And whereas now, on behalf of the clerks of the Irish race who dwell among the English in the said land in our fealty and peace, prayer has been made to us by their petition before us and our council in our present Parliament exhibited, that whereas they, as mere Irish our enemies, although they are not such, have been excluded from ecclesiastical preferment within the said land in our lordship, by virtue of the said proclamation, we should be willing to consider their condition and constancy in continually and unswervingly abiding in our fealty, and to provide a remedy for them hereupon. And because it is not just, nor was it nor is it our intention, that clerks of the Irish race who have continually

The text, taken from Close Roll, Engl., 35 Edward III., m. 40, is printed in Rymer's *Fœdera*, Vol. III., part 2, p. 606, and in Prynne's *Animadversions* (1659), p. 266.

and unswervingly remained in fealty and obedience to us, as others of English race, and still so remain, and of whose character and good behaviour towards us and ours you shall have good information, should be reckoned as of the condition of our Irish enemies, or so excluded from their preferment; we command you that you do not in aught molest or oppress any such Irish clerks, our faithful subjects, on account of the receiving or accepting of ecclesiastical benefices which are within our lordship of the said land, or prelates or other patrons of the said benefices by reason of the presentation or admission of such clerks, our faithful subjects, to the same, nor allow them to be molested or oppressed by others our officers, so long as they behave themselves well and faithfully towards us and ours, as is aforesaid, the said proclamations or any mandates whatsoever to the contrary to you directed notwithstanding. Witness the King at Westminster the fourth day of March.

Irish clerks of approved loyalty not to be excluded from ecclesiastical benefices, &c.

By the King himself and by petition of Parliament.

35 EDWARD III. A.D. 1360.

[MEMORANDA ROLL OF THE EXCHEQUER, 34 & 35 EDWARD III.,
m. 14 f.]

Statutum.

EDWARDUS dei grā Rex Angl̄ Dñs H̄ibn & Aquit. Justiū Cancellař & Thes suis H̄ibn qui nunc sunt vel qui p tempe erunt salim. Quia volum' qđ ordinačoes p nos & consiliū nr̄m Angl̄ fce in d̄ca P̄ra ñra & sc̄cio ñro Dublin teneant' & obseruent' & p totam fram p̄d̄cam publice pclament' quaz ordinačonum tenor subsequit' in hec v̄ba. Ordeigne est p ñre seign' le Roi & son conseil p̄r meschefs & damages q̄ sourdent de io' en autre en la fre Dirlande p les enemys Irreys & p̄r sauuer lestat du Roy en la dite fre q̄ le tresor le Roy issaunt des pfitz de la dite fre soit mientz gardez & emploie q̄ nad este fait deuaunt ces heures, & q̄ nuls regardes des Ministris ne des aufs ne soient ḡuntes a nully peone en Irlande sans la p̄sence & assent de Chanceller & Tresorer q̄ r̄ount illoeques p̄ le temps. Item q̄ les viscontes de mesme la P̄re ne soient faitz ne ordeignes si noun p eleccion des mientz vauex de chescun Countee cest assauoire p dusze ou vynt & qatre quelx deuinent respoundre au Roy p̄ eux & p̄ leur faitz & p̄ la resceyte de leur temps sicome deuaunt cez heures estoit vsez ne q̄ les custumers ne soient faitz ne renuez p pcurement de nully sil ne soit p Tresorer & Barons de leschequer selonc la forme de lestatut ent faite. Item p cause de diñsez damages & pdes q̄ le Roy ad encorū p fauses enquestes pris p lescheteour de la dite P̄re, ordeyne est q̄ lescheteour qore est illoeques soit ouste, & q̄ chescune viscounte dedeinz sa baillie soit charge del office de eschetery a respoundre au Roi des issues de mesme

35 EDWARD III. A.D. 1360.

EDWARD by the grace of God, King of England, lord of Statute, Ireland and Aquitaine, to his Justiciar, chancellor and treasurer of Ireland, who now are or who for the time shall be, greeting. Whereas it is our will that the ordinances by us and our council of England made, should be held and observed in our said land and in our Exchequer of Dublin, and through our entire land aforesaid should be publicly proclaimed, the tenor of which ordinances follows in these words :

It is ordained by our lord the King and his council, on account of the mischiefs and damages which from day to day arise in the land of Ireland through the Irish enemies, and to save the King's estate in the said land, that the King's treasure issuing from the profits of the said land be better kept and employed than has been done heretofore, and that no rewards of officers nor of others be granted to any person in Ireland, without the presence and assent of the chancellor and treasurer who for the time shall be there. I.

Also that the sheriffs of the said land be not made nor ordained except by election of the most worthy of each county, to wit, by twelve or twenty-four, who ought to answer to the King for them and for their acts and for the receipts of their time, as heretofore was used; and that the customers be not made nor removed by the procurement of any person except it be by the treasurer and barons of the Exchequer, according to the form of the statute thereupon made. II.

Also by reason of divers damages and losses which the King has incurred by false inquests taken by the escheator of the said land, it is ordained that the escheator who now is there be removed, and that every sheriff within his bailiwick be charged with the office of escheatorship, to answer to the King of the III.

Profits of the
King's lands.

Sheriffs to be
elected by
each county,
&c.

Sheriffs to act
as escheators.

Lescheterie come ait este faict auaunt cez heures, et q̄ le Tresorer Dirlande q̄i p le temps s̄ra face enquere p lui ou p ses deputez deuaunt q̄ les viscountes soient resceuz dacompte rendre del office del Escheterie si les enquestes de mesme l'office p eux prises soient duement faites p̄ le p̄fit le Roy ou nemie, et si troue soit q̄ elles ne soient duement faites q̄ le dit Tresorer ou ses deputes enquergent de nouvel selonc ce q̄ mieulz verront q̄ soit p̄ pfyt du Roy. Item ordeigne est q̄ nulles fres esteauns en la maine du Roi p̄ dettes dues au Roi, ne nulles gardes ne mariages ne soient ḡntez cōmises ne leassetz a nully sil ne soit p assent du Tresorer q̄i p̄ le temps s̄ra illoques, ne q̄ nulles acomptes de gages de guerre ne soient receus ne oiez p bref dacompt d'icelles forsq̄ tantsoulem̄t p le Clerk de gages a ce iurre, ne q̄ nule mafie de guerre soit pris ne cōmencie p les Justices sauns assent & avis du Chaunceller Tresorer & aufs du conseilt le Roi en celles p̄ties. Item ordeigne est q̄ les Seneschaulx & Receiwo's de les demeisne p̄res du Roi en la dite frē soient faites desore p lauis & ordonance du Chaunceller & Tresorer & aufs du conseilt le Roi, et en cas q̄ ceux q̄ sount ore Seneschaux & Receiwo's des ditz p̄res ne soient mie couenables ne suffisaunce soient sauna delaie oustes & aufs mys en lor' lieu p lauis & ordonance auauntditz. Item p̄ ce q̄ pluso's qount eu cōmission du ḡant seal ou del Eschequer de Irlande ou en autre mafie de s'uere & hastier la leue des dettes le Roy souentefoitz receyuent meismes les dettes ou ptie d'icelles & p cause qen lor' cōmission nest pas fait mencion de receyt des ascune deniers si nount il mye deuaunt ces heures acomptu a leschequer naillor's de lor' receyterez disauntz qils ne sount mie tenuz dacompter p lor' cōmission de qui le

issues of the said escheatorship, as has been done heretofore ; and that the Treasurer of Ireland who for the time shall be, Inquests made make inquiry by himself or by his deputies, before that the as such. sheriffs be received to render account of the office of the escheatorship, whether the inquests of the said office by them taken be duly made for the King's profit or not, and if it be found that they are not duly made, that the said treasurer or his deputies inquire anew, according to that which seems to them best for the King's profit.

Also it is ordained that no lands being in the King's hands for debts due to the King, nor any wardships or marriages, be As to letting of lands in the granted, committed or let to any person, unless it be by the King's hands. assent of the treasurer who for the time shall be there, and that no accounts of war pay be received or heard by writ to Accounts of account for the same, except only by the clerk of the [war] war pay. pay thereto sworn, and that no manner of war be undertaken No war with- or commenced by the justices without the assent and advice of out consent of the council. the chancellor, treasurer, and others of the council of the King in those parts.

Also it is ordained that the seneschals and receivers of the demesne lands of the King in the said land, be appointed from henceforth by the advice and ordinance of the chancellor Appointmen- &c., of King's lands. and treasurer and others of the council of the King. And in case those who are now seneschals and receivers of the said lands be not fitting or sufficient, that they be removed without delay and others put into their places, by the advice and ordinance aforesaid.

Also forasmuch as many who have had commission of the great seal or of the Exchequer of Ireland, or in other manner to oversee and dispatch the levying of the King's debts, often- times receive the said debts or part thereof, and because that in their commission there is not mention made of the receipt of any moneys, therefore they have not heretofore accounted at the Exchequer or elsewhere for their receipts, saying that they are not bound by their commission to account, whereby the

Roy ad eu g^{nt}unt pde & damage en temps passé & plus enaua de io^r en autre, si ent remedie ne soit fait, p quei ordeigne est p^r tiel pde & damage escheure q toutz ceux qont eu ou aps ces heures aabouti tiels cōmissionns de ſueur & hastier la leuee des dettes le Roi rendent accompte a Leschequer de Dyuelyn des deniers & autres choses du Roy p eux receuz & a receuure & as dites accomptes rendre soient p le Tresorer & Barons del eschequer p pcesse de mesme Leschequer compuls & destreintz en la plus redde maſſe come hōme poet resonablement sils ne voillent venir de gree nient contreestaunt q lo^r cōmissionns ne facent mencion de null receytre. Item p ce q les viscontes s^r le rendre de lo^r accomptes a Leschequer se excusent souent de rendre lo^r accomptes p cause q ceux qont les g^{ntz} ſiancias as queux les ret'nes des maundementz & pceptz le Roy sont p les viscontes liées, ne sont mie a celle temps pstez p auower lo^r ret'nes, & issint sont les dettes le Roi en defaute des ditz ſiancias g^{nt}ement delaiez dont le Roy ad encor g^{nt} damage p celle cause, si est ordeigne q tous ceux q tiennent tielx ſiancias en fee ou en autre maſſe soient artez & destreintz destreſſ lacompte des viscontes p auower lo^r ret'nes. Et sils ne veignent mie a io^r a eux s^r ce done tout eient il dont estre destreintz ou neient point, soient les ſiancias pris en la main le Roy & ceux q les tenoient ent oustez de tout, & soient mesmes les ſiancias issint prises en la main le Roy ballez as auſſ ſiancias couenables & suffisauntz p lauis & descrecion du Chanceller, Tresorer & Barons del Eschequer. Et ideo vobis & cuilibet vīm iniungim' & mandam' qd omes ordinações pdcas in tra mra pdcia in locis vbi expedire videritis, tam infra libtates q^m extra publice pclamari & in eadem fra ac dco

King has had great loss and damage in time past, and will have more daily, if remedy be not made therein. Wherefore, to avoid such loss and damage, it is ordained that all those who have had or hereafter shall have such commissions to oversee and despatch the levying of the King's debts, render account at the Exchequer of Dublin of the moneys and other matters of the King by them received and to be received, and be compelled and distrained to render the said accounts, by the treasurer and barons of the Exchequer, by process of the said Exchequer, in the most speedy manner that they reasonably can, if they will not come of their own accord, notwithstanding that their commissions do not make mention of any receipts.

Also whereas the sheriffs, upon the rendering of their accounts at the Exchequer, often excuse themselves from rendering their accounts by reason that those who have great serjeanties, to whom the returns of the King's mandates and precepts are delivered by the sheriffs, are not at that time ready to avow their returns, and so by default of the said serjeants, the King's debts are greatly delayed, whereby the King has incurred great damage from this cause. Therefore it is ordained that all those who hold such serjeanties in fee or in any other manner be compelled and distrained to attend upon the account of the sheriffs, to avow their returns. And if they do not come upon the day to them thereupon given, whether they have whereof to be distrained or not, that the serjeanties be taken into the King's hand, and those who held them be entirely removed therefrom for ever, and that the said serjeanties so taken into the King's hand, be committed to other serjeants fitting and sufficient, by the advice and discretion of the chancellor, treasurer, and barons of the Exchequer.

And therefore we enjoin and command you and every of you, that you cause all the aforesaid ordinances in our land aforesaid, in the places where it shall seem best, as well within liberties as without, publicly to be proclaimed, and in the said

VII.

Holders of
great ser-
jeanties to
attend on
sheriffs'
accounts.

sc^acio Dubliū firmi^l teneri & ob^guari & in rotu^l eiusdem sc^acii
irrotulari, & vos p^ofate The^s p^osentes tr^{as} in d^o sc^acio saluo
custodiri fa^c. In cui^r rei testimoniū has tr^{as} nras fieri fecim^r
patentes. T^r. me ip^o apud Westm^{an} quarto die Marcii anno i^r n
tricesimo quinto.

p ip^om Reg.

land and in the said Exchequer of Dublin firmly to be held and observed, and in the rolls of the said Exchequer to be enrolled, and that you the aforesaid Treasurer, cause these present letters in the said Exchequer safely to be kept. In witness whereof we have caused these our letters to be made patent. Witness myself at Westminster, the fourth day of March, in the thirty-fifth year of our reign,

By the King himself.

40 EDWARD III. A.D. 1366.

[CAREW MS. 603, fol. 165-172—LIBRARY, LAMBETH PALACE.]¹

The statute of killkenny enacted att a parliment held under
Lionell Duke of Clarence soñ to kinge Ed : 3 : in
año

COME a la conquest de la terre dirland & long temps
apres les Engleis de la dit terre vserent la lang
morture² & vesture Engleis & furent governez et reulez et
lo^r subgits appellez Betaghez p la lei Engleis en quel temps
Dieu et st. Esglise et lo^r franchises solonc lo^r condicions
tenuz en subiection et ore plusors Engleis de la dit terre
gueppissant la lang gis monture leys et vsages Engleis vyuent
et se governem^t as maners guise et lang des Irrois enemis et
auxiant oñ fait diñs mariages & aliaunces enter eux et les
Irroies enemys au^{nt}lditz dont la dit terre et le lieg people
de icelle la lang Engloies liegeance a ñre seigno^r le Roy due et
lez leis Engleis illoeque³ sont mis en subjection & retretz & les
enemys Irroies enhanser & releuez encontre reson : ñre f^{or} le
Roy considerantz les mischief^r suisditz p^r les grevouses
pleintz des cões de sa dit terre appellez a son pliam^t tenus a
Kilkenny le Joesdy pschin aprez le feste de Cendres lan de son
roialme quarantisnre⁴ devant son ffame^t fitz Leonell Duc de
Clarence son Lieuten^{nt} es pties dirland al honure de dieu et
de sa gloriouse meere & de saint Esglise et p^r la bone
governem^t de la dit terre et quiete du people et p^r les leies
mult garder et lez meffessours chastier si sont ordinez et
estahliez p ñre dit f^{or} le Roy et son dit lieutenant et le
Counseil ñre seigno^r le Roy illoeques del assent des
Ercevesq^u Evesques Abbez et Pio^r en ce q^e apptient a eux
de assenter Comitez Barouns & aut^s cões de la dit terre a dit

¹ This transcript of the Statute has been collated with Lambeth MS. 608, fol. 1-8, and with Titus B. XI., fol. 129, Brit. Mus.

² monture in MS. in B. Mus.

³ Lan quarantie de son Reigne in MS. B. Mus.

⁴ tres aime in MS. B. Mus.

40 EDWARD III. A.D. 1366.

THE STATUTES OF KILKENNY.

WHEREAS at the conquest of the land of Ireland, and for a long time after, the English of the said land used the English language, mode of riding and apparel, and were governed and ruled, and their subjects called Betaghes, by the English law, in which time God and Holy Church, and their franchises according to their conditions were maintained [and themselves lived] in subjection ; but now many English of the said land forsaking the English language, fashion, mode of riding, laws and usages, live and govern themselves according to the manners, fashion, and language of the Irish enemies ; and also have made divers marriages and alliances between themselves and the Irish enemies aforesaid ; whereby the said land and the liege people thereof, the English language, the allegiance due to our lord the King, and the English laws there, are put in subjection and decayed, and the Irish enemies exalted and raised up, contrary to right ; our lord the King considering the mischiefs aforesaid, in consequence of the grievous complaints of the commons of his said land, summoned to his Parliament held at Kilkenny, the Thursday next after Ash Wednesday, in the fortieth year of his reign, [18 Feb. 1366] before his well-beloved son Lionel Duke of Clarence, his lieutenant in the parts of Ireland, to the honour of God and of his glorious Mother, and of Holy Church, and for the good government of the said land, and quiet of the people, and for the better observance of the laws, and punishment of evil doers, there are ordained and established by our said lord the King, and his said lieutenant, and our lord the King's council there, with the assent of the archbishops, bishops, abbots, and priors (in that which appertains to them to assent to), the earls, barons, and others the commons of the said land

plem^t illoeq^{**} esceant^c & assembles les ordinaucez et articles desouth escriptz a tener et garder ppetuelment sur lez peynes contenus en ycelles.

1. Primerment ordine accorde est et estable q^e saint Esglise soit franc et eit toutz ses franchises sauns emblemisement solonc le frauchises ordines & grauntz p nre f^{or} le Roy ou ses pgenito^m p estatut ou ordinaunce fait en Anglitterre ou en Ireland au^{nt} ses heures & si ascun q^e dieu defend veigne al encontre & p le ordinare de lieu p celle cause soit escoinge issint qⁱ si gree ne soit fait a Dieu et saint Esglise p la ptie issint escoinge dedeins le mois aprez tiel escoingement q^e adonq^{**} apres certification s^r ceo fait p le dit ordinare en la Chauncellere soit b^re¹ maunde a viscont maier seneschall de frauchise ou autre ministres nre seigno^r le Roy de prendre son corpus et tenier en p^rson sanz luy mistre² p mainpris ou enbaile tanq^e gree soit fait a Dieu et saint Esglise nient contristant q^e les quarant ioⁿ ne soit passez et q^e nul phibicion de la Chaunc^c soit desormes graunte a nulluy suit encontre la frauchise de saint Esglise salvantz toutz foitz le droit nre seigno^r le Roy & de sa coroner³ issint q^e les frauchises de saint Esglise ne soit enfuez ou emblemis et in case q^e p suggestion de ptie phibicion soit graunte q^e tantost monstra p le ordiner le article de la frauchise en la chauncellerie consultacion ent a luy sa^{nz} delay soit graunte.

2. Item ordine est et estable q^e nul alliance p mariadge compaⁿuitee nurtur de enfantz concubinauce ou de caif^t ne de autre manere desormes soit fait pentre Engloyes et Irroies de vn ptee ne de autre pte. Et q^e nul home Engley ne alfe psone a la pees esceant ne donne ne vende a nulluy Irroies en temps de pees ne de guerre chivavx ne Armo^r ne manf de vittaile en temps de guerre. Et si ascun veigne al encontre et de ceo soit Atteint eit Judgement de vie et de membre coe traite^r nre f^{or} le Roy.

¹ incontentant inserted here in MS. B. Mus.

² corone in MS. B. Mus.

³ mettre in the other MSS.

From Gaelic *caomh*.

at the said parliament there being and assembled, the ordinances and articles under written, to be held and kept perpetually upon the penalties contained therein.

Firstly, it is ordained, agreed, and established, that Holy Church be free, and have all her franchises without infringement, according to the franchises ordained and granted by our lord the King, or his progenitors, by statute or ordinance heretofore made in England or in Ireland ; and if any (which God forbid) do to the contrary, and be excommunicated by the Ordinary of the place for that cause, so that if satisfaction be not made to God and Holy Church by the party so excommunicated, within the month after such excommunication, that then, after certification thereon made by the said Ordinary, into the Chancery, a writ be sent to the sheriff, mayor, seneschal of franchise, or other officers of our lord the King, to take his body, and keep him in prison without letting him out by mainprise or bail, until satisfaction be made to God and Holy Church, notwithstanding that the forty days be not passed : and that no prohibition of the Chancery be henceforth granted at the suit of any against the franchise of Holy Church ; saving always the right of our lord the King and of his crown, so that the franchises of Holy Church be not diminished or infringed ; and in case that by suggestion of the party, prohibition be granted, that as soon as the article of the franchise shall be shown by the Ordinary in the Chancery, consultation thereupon be granted to him without delay.

Also it is ordained and established, that no alliance by marriage, gossiped, fostering of children, concubinage or by amour, or in any other manner, be henceforth made between the English and Irish on the one side or on the other. And that no Englishman, or other person, being at peace, give or sell to any Irish, in time of peace or war, horses or armour, or any manner of victuals in time of war. And if any do to the contrary, and thereof be attaint, that he have judgment of life and limb, as a traitor to our lord the King.

I.

Freedom of
Holy Church.Satisfaction
by the
excommunicated.In default,
imprison-
ment.No prohibi-
tion out of
Holy Chancery.Saving the
King's right.

Suggestion.

II.

No alliance by
marriage, &c.,
between Eng-
lish and Irish,
&c.

3. Item ordine est & estable q^e chescun Engleys vse la lang Englies et soit nome p nome Engleys enterlessant oulterm^t la manere de nome use p Irroies et q^e chescun Engleys vse la manere guise monture et appell Engleis solonc son estat & si nul Engleys ou Irroies conustant entre Engleys use la lang Irroies entre eux-mesmes encontre ceste ordinance & de ceo soit atteint soint sez terres & Teñtz¹ sil eit seisiz en les maines son f^{or} immediate tanq^e q^u veigne a vn des places nre f^{or} le Roy et trove sufficient seurtee de þndre et vser la lang Engleis & adonq^u eit restitucion de sez ditz terres p b^re aissir hors de la dit placee en cas q^e tiel pson niet terres ne Teñtz² soit son corps pris p ascuns de ministres nre f^{or} le Roy et maunde a la proschin gaole illoeq^u a dem^rer tang^e q^u ou autre en son nome trove sufficient seurtee en la manere suisd^{ce}. Et q^e nul Engleis q^u a la value de c^r³ des terres ou *Tenem*⁴ ou de rent p anch mache⁵ autrement q^e en seale en guyse de Engleis & celluy q^e fera le contraere & de ceo soit atteint soit son chivall forfait a nre seigno^r le Roy & son corpus a la p^rson tanq^e q^u face fine a la volunte de Roy p le contempt suisdit et auxiant q^e les bñfices de saint Egleise conustant entre Engleys vse la langue Engleis & silz ne facent eient lo^r ordinaries les issues de lo^r bñfice^r tanq^e ilz vsent la lang Engleis en le manere suisdit et eient respit de la lang Engleis apprendre et de selles þueier entre cy et le feste de saint Michell pschin auen^r.

4. Item p^r ceo q^e diuisitie de governaunce de⁶ diuse leis en vne terre fait diuisitie de ligence et debat^r entre le people, accorde est et establi q^e nul Engleis eiant debates ou autre Engleis desormes face namer ne þigne gadge destresse ne vengeance s^r aut^r dount le people p^rra estre trouble mes

¹ *Rentes* in MS. B. Mus.

² *Rentes* in MS. B. Mus.

³ c^h in the other MSS.

⁴ These words not in MS. B. Mus.

⁵ *an chavauche* in the other MSS.

⁶ *et* in the other MSS.

Also, it is ordained and established, that every Englishman use the English language, and be named by an English name, leaving off entirely the manner of naming used by the Irish ; and that every Englishman use the English custom, fashion, names, mode of riding, and mode of riding and apparel, according to his estate ; and if any English to use the English language and names, mode of riding, and mode of apparel.

Also, it is ordained and established, that every Englishman use the English language, and be named by an English name, leaving off entirely the manner of naming used by the Irish ; and that every Englishman use the English custom, fashion, names, mode of riding, and mode of apparel, according to his estate ; and if any English to use the English language and names, mode of riding, and mode of apparel.

English, or Irish living amongst the English, use the Irish language amongst themselves, contrary to this ordinance, and thereof be attaint, that his lands and tenements, if he have any, be seized into the hands of his immediate lord, until he come to one of the Places of our lord the King, and find sufficient surety to adopt and use the English language, and then that he have restitution of his said lands, by writ to issue out of the said Place. In case that such person have not lands or tenements, that his body be taken by some of the officers of our lord the King, and committed to the next gaol, there to remain until he, or another in his name, find sufficient surety in the manner aforesaid. And that no Englishman who has to the value of one hundred shillings of lands or tenements, or of rent by the year, ride otherwise than on a saddle in the English fashion, and he that shall do the contrary and be thereof attaint, that his horse be forfeited to our lord the King, and his body committed to prison, until he make fine according to the King's pleasure, for the contempt aforesaid. And also, that beneficed persons of Holy Church, living amongst the English, use the English language ; and if they do not, that their Ordinaries have the issues of their benefices until they use the English language in the manner aforesaid ; and that they have respite in order to learn the English language, and to provide saddles, between this and the feast of Saint Michael next coming.

Also, whereas diversity of government and divers laws in one land cause diversity of allegiance and disputes among the people, it is agreed and established, that no English having disputes with other English, henceforth make distraint or take pledge, distress or vengeance against any other, whereby the people may be troubled, but that they sue each

III.

Penalty of
disobedience.

IV.

The common law to be used by the English, and not the Breton or the March law.

suyent vers autres a la cõe lei et q^e nul Engleis soit reule en diffinition de l^{or} debat^e p^r lei de M^{ar}che ne de Breon q^e p^r reason ne doit estre nome lei eins malueis custume mez soient reulez come droit est p^r cõe lei de la terre come les liges ñre f^{or} le Roy et si ascuns face a le encoultre & de ceo soit atteint soit pris et enp^{is}one & Iugge come Traitor & q^e nul diuisitie de liegeance desormes soit fait entre lez Engleis nees en Ireland et les Engleis nees en Engleterre appellantz Englishobbe ou Irishdogg mes toutz soient appellez p^r vn noim les Engleis liges ñre f^{or} le Roy & celluy q^e s^ra trove alencountre soit puny p^r imp^{isonm} dun an et puis reint al a volunte du Roy & p^r ceste ordonance il nest lentent ñre f^{or} le Roy q^u list a chescuny q^u purra prendre destresse p^r s^rvices & Rentz a eux duez & p^r damadge fessant come la cõe ley demaunde.

5. Item p^r ceo q^e la lieg people ñre f^{or} le Roy de sa f^{re} dirland ne les guerres de mesme la terre ne p^ront resonablem^t estre governez saunz resonablement orden^r la vent des vittaills, ordeine est et estableie q^e m^{icha}undizes q^e sont venus ou vendront a la d^{oe} terre p^r q^econqs merchantz a q^u port ville ou Citie q^u arryuerent q^e au^{nt} ceo q^e lez ditz marchandises soient mys a vent q^e le maire suffreyn Baily ou autre ministre q^e eit la garde de le lieu ou lez ditz m^{icha}undises s^ront venduz facent ven^r deu^{nt} eux deux de les pluis prodes homes & sufficeantz de mesme le lieu q^e ne mellent riens de teux marchandises & le dit maier seneschall suffreyn ou Baily ove les ditz deux psones facent vener dev^{nt} eux les merchantz a quex les ditz m^{icha}undises sont & les mariners & soient iurretz de loialm^t dire et mustrer de¹ fiere de le primer acat de lez ditz m^{icha}undises & des costages s^r ycells tanq^e a porte et s^r ceo p^r lez ditz maire Seneschall Baily ou Prouost et lez deux prodes homes au^{nt}ditz soit resonable pris mis s^r les ditz

other at the common law, and that no English be governed in the settlement of their disputes by March or Brehon law, which by right ought not to be called law, but bad custom ; but that they be governed, as right is, by the common law of the land, as the lieges of our lord the King ; and if any do to the contrary, and thereof be attaint, that he be taken and imprisoned, and adjudged as a traitor. And that no difference of allegiance henceforth be made between the English born in Ireland, and the English born in England, by calling them English hobbe, or Irish dog, but that all be called by one name, the English lieges of our lord the King, and that he who shall be found doing to the contrary be punished by imprisonment for a year, and afterwards fined, at the King's will ; and by this ordinance it is not the intention of our lord the King but that it may be lawful for any one who can, to take distress for services and rents due to them, and for damage feasant, as the common law requires.

Also, whereas the liege people of our lord the King, of his land of Ireland, or the wars of the same land, cannot reasonably be controlled, unless the sale of victuals be reasonably regulated, it is ordained and established as to the merchandises which have come, or shall come, to the said land by whatsoever merchants, at whatever port, town or city they shall arrive, that before the said merchandises be put up to sale, the mayor, sovereign, bailiff, or other officer who has the ward of the place where the said merchandises shall be sold, cause to come before them two of the most discreet and sufficient men of the said place, who meddle not in such merchandises, and that the said mayor, seneschal, sovereign or bailiff, with the said two persons, cause to come before them the merchants to whom the said merchandises belong, and the sailors, and that they be sworn lawfully to tell and show the amount of the prime cost of the said merchandises, and of the costs on the same to the port, and thereupon that a reasonable price be put upon the said merchandises by the said mayor, seneschal, bailiff or provost, and by the two discreet men aforesaid, without showing favour,

v.

No difference
between
English born
in Ireland
and those
born in
England.

Mode of fixing
prices of
merchandise.

Marchandises saunz favor faire come illz proit alvouer deunt le Counseil nre *¶* le Roy celles pties & a tieux prises soit venduz sauns plus prendre s^r forfaite de ycelles coment q^e les ditz merchaundises illoeq[¶] dueign^t a chars apres.

6. Item p^r ceo q^e terre qest in guerre bussoigne q^e chescuny sa face able p^r soy defende ordeigne est et estable q^e les cōes de la dit terre dirland qest en diūse m^{as}ches de guerre ne vsent de sormes les Jues q^e home appelle horling[¶] oue graundz bastons a pilott s^r la terre dont graundes males et maymes sont auenuz en enfeblement de la defense de la dit terre & autres Jues q^e home appelle Coiting[¶] einz se afforcent & adressent de vseer & treer[¶] lez ark[¶] & gettyr les launces et autres gentiles Juyes q^e apptinent as armes dont les Irroies enemyes p lez liges cōes celles pties puissent le meoltz estre arrestus. Et si auscun face ou vse le contrarie & de ceo soit atteint, soit pris et enprison et reint a la volunte nre *¶* le Roy.

7. Item p^r ceo q^e p conspiracies confedracies compties² mainteñes de quarell falx Jurro[¶] receyvo[¶]³ dampptes⁴ en quarelles les liges cōes de la dēe terre en p^rsuit en lo^r droit sount mult disturbez *grevez et disheritz*⁵, ordine est et estable q^e de ceux soit fait en chescun Countie p les Justice[¶] a tener le plees en le chief place diligent inquisition et de lo^r mainteyno[¶] & soit duhe & redde execusion fait diūs eux q^e ent s^r roit atteintz solonc la forme de lestatut ent fait en Engleterre saunz fine ou redemption de eux prendre q^e autres p tiel redemption suent abbaiz desyorable⁶ chose ou grevaunce de les ditz liges cōes encontre ley faire ou mainteyn[¶]. Et q^e s^r ceo le Ercevesq[¶] Evesques de la dit terre chescun dedeinz sa dioç eient lez tres Patent[¶] nre *¶* le Roy de la Chaun[¶] dirland denquerer des articles au^antditz q^aunt lo^r plerra. Et s^r ceo

¹ *tirer* in MS. B. Mus.

² *champerties* in MS. B. Mus.

³ *Restemomours* in MS. B. Mus.

⁴ This word not in MS. B. Mus.

⁵ These words not in MS. B. Mus.

⁶ *de si horrible*.

as they may be able to avow before our lord the King's council of those parts; and that they be sold at such prices, without taking more, upon forfeiture of the same, although the said merchandises should there become at charge afterwards.

Also, whereas a land, which is at war, requires that every person do render himself able to defend himself, it is ordained ^{Hurlings} abolished; and established, that the commons of the said land of Ireland, ^{use of bows} who are in divers marches of war, use not henceforth the ^{and lances to} ^{be encouraged.} games which men call hurlings, with great clubs at ball upon the ground, from which great evils and maims have arisen, to the weakening of the defence of the said land, and other games which men call coitings, but that they apply and accustom themselves to use and draw bows and throw lances, and other gentle games which appertain to arms, whereby the Irish enemies may be the better checked by the liege commons of these parts; and if any do or practice the contrary, and of this be attaint, that he be taken and imprisoned, and fined at the will of our lord the King.

Also, whereas by conspiracies, confederacies, champarties, maintainers of suits, false swearers, receivers of damages in suits, the liege commons of the said land in pursuit of their rights are much disturbed, aggrieved and disherited; it is ordained and established, that diligent inquiry be made of those in every county by the Justices for holding pleas in the Chief Place, and of their maintainers, and that due and expeditious execution be made against those who shall be attainted thereof, according to the form of the statute in this respect made in England, without taking fine or redemption of them; that others, by such redemption, may be deterred from doing or maintaining so horrible a thing, or injury of the said liege commons, contrary to law. And that thereupon, the archbishops and bishops of the said land, each within his diocese, have letters patent of our lord the King, out of the Chancery of Ireland, to inquire of the articles aforesaid, when it shall please them. And, thereupon, according to the law of Holy Church,

VI.

VII.

solonc la lei de saint Esglise proceder dius eux p les censurs & de certifier en la dit Chauncē les nomis q^e s'ouēt deuant eux ent troves coupables issint q^e nre seigno^r le Roy al hon^r de dieu et de Saint Esglise governaunce de ses leys & salvacion de son dit people p^rra ent faire duhe punishm^t.¹

8. Item p^r ceo q^e de droit lay psone ne soi doit meller de dismes ou ascun bien espirituell encontre la volonte de Governo^r del Eglise a q^e les dismes ou ceux choses espirituellz apptinent ordine est et estable q^e nul home graunde ne petit ne se melle ne preigne p vent ne en aultre manere dismes appten^{nt}z a saint Eglise ou religion p extorcion ou manace ne a meyndre price q["] p^rra vendre a aultre encontre la volonte celluy a qⁱ lez ditz dismes apptenent et celluy que face alencontre & de ceo soit atteint face restitution a celluy q^e eit^t s^rra greve & si voet pleindre² de la double de la dit pris et puis soit reint a la volonte du Roy.

9. Item p^r ceo q^e disobesance a dieu et saint Eglise & mis hors de comunyon de xpienz ne poont ne doyuent de droit estre receuez a grace nre f^{or} le Roy, ou a comunion de ses ministres, Ordine est & estable q^e qu^ant les Erchevesq^u Evesques et autres prelates de saint Esglise ount escomeng entredice ou fulmyne⁴ lours censures de saint Eglise du ascun pson Englyes ou Irrois p reasonable cause a la request nre seigno^r le Roy ou de lo^r office ou a suit de ptie q^e apres q^e la notificaⁿon de ceux censures veigne a nre f^{or} le Roy ou a ses ministres q^e celles psones s^r les pointz p^r ceux ilz sunt excomgez ne soient receux a la grace nre dit f^{or} le Roy ne a comunion ou daliance de ses ministres ne in mainten^{nc}e de nulle de lieg people en lo^r erro^r tanq^u eient fait gree a dieu et saint Esglise et soint restitue come la ley de saint Esglise demaund,

¹ The last five words do not occur in the MS. B. Mus., but there are added the words—"de la double de lad pris et puis sil soit reyne a la volonte du Roy."

² qui en in MS. B. Mus.

³ prendre in MS. B. Mus.

⁴ fultine in MS. B. Mus.

to proceed against them by censures, and to certify into the said Chancery the names that shall be before them found guilty thereof, so that our lord the King, to the honour of God and Holy Church, the government of his laws, and preservation of his said people, may inflict due punishment for the same.

Also, whereas, of right, no lay person ought to meddle with tithes or any spiritual goods, against the will of the governors of the Church, to which the tithes or such spiritual things belong, it is ordained and established, that no man, great or small, interfere with or take by sale, or in any other manner, tithes appertaining to Holy Church or religion, by extortion or menace, or at a less price than that at which they may be sold to another, against the will of him to whom the said tithes belong, and that he who does to the contrary and be thereof attaint, make restitution to him who shall be aggrieved, and if he will complain, of double the said price, and afterwards be fined at the King's pleasure.

Also, whereas [persons guilty of] disobedience to God and Holy Church, and put out of the communion of Christians, cannot, nor ought of right to be received into the grace of our lord the King, or to the communion of his officers, it is ordained and established, that when the archbishops, bishops, and other prelates of Holy Church, have excommunicated, interdicted, or fulminated their censures of Holy Church against any person, English or Irish, for reasonable cause, at the request of our lord the King, or in right of their office, or at suit of a party, that after the notification of those censures come to our lord the King, or to his officers, such persons, upon the points for which they are excommunicated, be not received into the grace of our said lord the King, or into communion or intercourse with his officers, or in maintenance in their error by any of the liege people, until they have made satisfaction to God and Holy Church, and be restored, as the law of Holy Church requires ; and if a maintainer of such excommunicated persons not to be countenanced by the King or his officers.

¶ si mainteno^r de tel pson excomge soit trove & attaint encontre lordinance au^sntditz soit pris et enpⁱson et reint a la volonte le Roy.

10. Item p^r ceo q^e diverses guerres au^snt cez heures ont estez souent comencez & nient continuez ne mesnes a bone fyne einz de ptie pnantz dez enemyes a lo^r deptir petyt dauoir dont lez ditz enemyes furrount & sont de pluis hardiez de renoueler la guerre, Accorde est et estable q^e guerre q^e s^rra comencee aprez ceo¹ heures soit p^s p le consell nre seigno^r le Roy p auisem^t de f^{lor} cōes & mchises del countee² ou la guerre sourdera & contynue & finz p lo^r advise & conseil issint q^e les Irroies enemyes ne soint receuz a la pees tanq³ q^e soit finablem^t destruit ou face restitucion entierment de les costage^r & mises dispenduz s^r cel guerre p sa defaute & rebellicee & repaire a eux p q^e ou qux lez ditz misez & costages furront faitz & outre facent fyn p^r le contempt a la volonte le Roy, et en cas q^e hostages soient pris & dones a nre f^{lor} le Roy ou a ses ministres p^r la pees tenir p ascuns de Irroies q^e sils renouelent la guerre en contre la forme de lo^r pees q^e execusion de lo^r ditz hostages sauns delay ou fayutise soit fait solonc les auncient vsage de la d^ec^e terre en tiel case vse.

11. Item p^r mult de la pees maynten^r & droit faire sibn as Irroies enemyes esceantz a la peez come as Engleis Ordine est et estable q^e si null Irroies a la peez esseant p cheuesance ou acate de marchandize ou en autre maner deveigne debto^r a Engleis ou Irroies esceant a la pees q^e p cel cause nul autre person Irroies ou luy south luy ou en sa subiection ne sez biens soint arrestuz ne achatez⁴ p^r tiel dette sil ne soit plegg p^r mesme le dette mez soit son recoveryr vers la principall deto^r come la ley demaunde & soit bⁿ avise de bailer⁵ ses mchandises a tiel pson ou il⁶ puise avoir recovery.

¹ ceux in MS. B. Mus.

² de la contr^e MS. B. Mus.

³ for attachez.

⁴ donner in MS. B. Mus. *

⁵ quil in MS. B. Mus.

cated person be found and attainted contrary to the ordinance aforesaid, that he be taken and imprisoned, and fined at the King's will.

Also, whereas divers wars have often heretofore been commenced, and not continued, or brought to a good termination, but by the party taking from the enemies at their departure a small tribute, whereby the said enemies were and are the more emboldened to renew the war ; it is agreed and established, that war which shall be commenced hereafter, be undertaken by the council of our lord the King, by the advice of the lords, commons, and marchers of the county where the war shall arise, and be continued, and finished, by their advice and counsel ; so that the Irish enemies be not admitted to peace, until they be finally destroyed, or make restitution fully of the costs and charges expended upon that war by their default and rebellion, and make reparation to those by whom the said charges and costs were incurred, and moreover, make fine for the contempt at the King's will. And in case that Hostages. hostages be taken and given to our lord the King, or to his officers, for keeping the peace, by any of the Irish, that, if they renew the war contrary to the form of their peace, execution of their said hostages be made without delay or favour, according to the ancient customs of the said land in such case used.

Also for the better maintaining of the peace and doing right, as well to the Irish enemies being at peace as to the English, it is ordained and established, that if any Irish, being principal at peace, by bargain or purchase of merchandise, or in any other manner, become debtor to English or Irish, being at peace, that for such cause no other Irish person with him, under him, or in subjection to him, or his goods, be seized or attached for such debt, if he be not pledge for the same debt ; but that his recovery be against the principal debtor, as the law requires, and be he well advised to give his merchandises to such person as he can have recovery from.

X.

War only to be undertaken by the King's council with advice of the lords, &c.

XI.

Remedy for debt against principal debtor, not against any Irish belonging to him.

12. Item ordeyne est & establie q^e en chescū pecs de sore enau^{nt} entre ñre [¶] le Roy et sez liges Engleis dun pte & les Irrois daultre pte en chescū m^arche de la terre soit compris le point q^ensuynt cestascavoir q^e nul Irroies pasture ne mayneauyre s^r les terres as Engleis ou Irroies esceantz a la pees encountre le gree dez fiors des ditz terres & silz facent, q^u list as ditz fiors a mener ove eux en lo^r pounde¹ lez ditz bestes issint² pasturaunce ou manuraunce lo^r ditz terres en nou de destresse p^r lo^r rent et lo^r damadge issint q^e les bestes ne soient deptiez ne despoilez come au^{nt} ses heures ad este fait mez soient tenuz entiere come illz fuerent pⁱses a deliverer a la ptie en cas q^u veigne de faire gree as [¶] dez ditz terres resonablement solone lo^r demande et en cas q^e ascun depte ou dispoile lez bestes issint² pⁱses soit puny come robeo^r & debruso^r de la peez ñre [¶] le Roy, et si ascun Irroies Leue p force a la rescous de ceux resonables pⁱses q^e list as ditz Engleis ses mesmes eider a fort mayn saunz estre empêche en la Co^t ñre [¶] le Roy p celle cause & q^e nul Engleis ne p^rigne nul distresse s^r ascun Irroies de nul pte entre cy et la feste de St. Michell pschin auen^r issint q^e lez Irroies de cheecū pte en le meame temps p^rront estre gäniz.

13. Item ordine est q^e nul Irroies del nacions de Irroies soit admis en nul esglise Cathedrall ne Colligeall p pviission, collation ou p^sentacion de q^cuq^z psone ne a nul bnfice de Seint Esglise deinz les Engleiz de la terre et si ascun soit admitz instituit ou enduct en tiel bnfice, [soit tenuz p^r nul & eit le Roy a celle voidance de mesme le bnfice sa p^sentacion a q^cuq^z psone lauewoson de tiel bnfice apptient]⁴ sauantz lo^r droit a p^rsenter ou faire collacion a mesme la bnfice qu^ant ele voidra autrefoitz.

14. Item accord⁵ est & establie q^e nul maison de Religion q^eest assiz entre Engleis soit il exempt ou noun desormes resceue nul home Irroies & lo^r pfession mes rescenient gentes Engleis saunz auoir consideraçon les queux ilz soient

¹ ou leur prendre in MS. B. Mus.

⁴ This sentence not in MS. B. Mus.

² qui sont in MS. B. Mus.

⁵ ordene in MS. B. Mus.

³ et estable inserted here in MS. B. Mus.

Also, it is ordained and established, that in every peace henceforth to be made, between our lord the King and his English lieges of the one part, and the Irish of the other part, in every march of the land, there be comprised the point which follows, that is to say, that no Irish pasture or occupy upon the lands belonging to English or Irish being at peace, against the will of the lords of the said lands ; and if they so do, that it be lawful for the said lords to lead with them to their pound the Impounding of beasts. XII. Irish not to pasture, &c., on lands of English or Irish at peace.

Also, it is ordained that no Irish of the nations of the Irish be admitted into any cathedral or collegiate church by provision, collation, or presentation of any person whatsoever, or to any benefice of Holy Church amongst the English of the land ; and that if any be admitted, instituted, or inducted into such benefice, it be held void, and that the King have his presentation of the said benefice for that vacancy, to what person soever the advowson of such benefice may belong, saving their right to present or make collation to the said benefice, when it shall be vacant another time. XIII. No Irishman to be presented to a church.

Also, it is agreed and established, that no house of religion, which is situate among the English, be it exempt or not, henceforth receive any Irishmen [to their] profession, but receive Englishmen, without taking into consideration that profession. XIV. No religious house to admit Irish to their profession.

neez [en] Engleterre ou en Irland et q^e autrem^t le fra et de ceo soit atteint, soint lez tempaltez seises en la mayn ñre s^r le Roy a dem^rer a sa volonte et q^e nul p^late de saint Eeglise resceiue nul neoyff as ascunz orders saunz assent et testimoniage nance de son seigno^r fait a luy South son seale.

15. Item q^e les minstrels¹ Irroies ven^{ntz} entre Engleis espient lez priuetz maners & Comyn² des Englies dont graunz males sovent ad este venz, Accorde est & defende q^e nulles ministres³ Irroies, cestascavo^r Tympano^r, fferdanes, skelaghes, Bablers Rymo^r, clercz⁴ ne nullez autres minstrells Irrois veignent entre les Engleis et q^e nul Engleis les resceiue ou don face a eux & q^e le face & de ceo soit atteint soit pris et imp^{son} siⁿ lez Irroies ministreles⁵ come les Engleis q^e les resceiuement ou donent riens et pui^s soint reyntes a la volonte de Roy et les instrumentz de lo^r ministraeltess forfaitz a ñre seigno^r le Roy.

16. Item accord est et assentu q^e nul eschape desormes soit adiuge deus nulluy p null enquest d'office au^{nt} ceo q^e la ptie deus q^e eschape deust estre adiuge, soit mesne en responce ou conys mesme le chose en place⁶ de recorde come q^e au^{nt} cez heures autrem^t ad este vse.

17. Item accorde est et assentz q^e nul home de q^e estate ou condicion q^u soit, s^r forfaiture de vie & de membre teigne kerne hobellours ne hudyues gentz en fr^e de peez a grever le loiall people de ñre f^{or} le Roy mes qⁱ les vuille tener, les teigne en la fiche a ses costages p^{pres} sauns rien prendre de nully encontre lo^r volonte, et si aueigne q^e nule home de kerne ou nul autre p^{agine} nul maistre dez vitailles ou au^{ps} biens de nully encontre sa volonte, soit hue & crie leuee s^r luy et soit pris & maunde a la Gaole sil se vuille rendre & si nō mez faire resistance et force issint q^e ne voille lattachm^t suffire soit

¹ *minstrels* in MS. B. Mus. ² *finnesses* in MS. B. Mus. ³ *recte minstrels*.

⁴ For clarsaghours. In Patent Roll, 13 Henry VI., art. 86, is a recital that Irish *mimi*, as clarsaghours, tympanours, crowthores, kerraghers, rymours, skelaghes, bards and others come among the English, contrary to the form of the Statutes of Kilkenny, 40 Edward III. See also Hardiman's *Irish Minstrelsy*, xviii. (Lond. 1831).

⁵ *ministres* in MS. B. Mus. ⁶ *plaine* in the other Lambeth MS.

they be born in England or in Ireland, and that [in the case of] any that shall do otherwise, and thereof be attaint, the temporalities be seized into the hand of our lord the King, to remain at his will. And that no prelate of Holy Church receive any villein to any orders without the assent and testimony of his lord, made to him under his seal.

No villein to be admitted to orders without his lord's assent.

Also, whereas the Irish minstrels, coming among the English, spy out the secrets, customs and policies of the English, whereby great evils have often happened, it is agreed and forbidden that any Irish minstrels, that is to say, tympanours, pipers, story tellers, babblers, rhymers, harpers, or any other Irish minstrels, come amongst the English ; and that no English receive them or make gift to them And that he who does so, and thereof be attaint, be taken and imprisoned, as well the Irish minstrels as the English that receive them or give them anything, and that afterwards they be fined at the King's will, and the instruments of their minstrelsy be forfeited to our lord the King.

XV.

Irish minstrels, &c. not to be received among the English.

Also, it is agreed and assented that no escape henceforth be adjudged against any, by any inquest of office, before the party As to escape. against whom the escape ought to be adjudged be put to answer or acknowledge the same thing in a place of record, although heretofore it has been otherwise used.

XVI.

Also, it is agreed and assented that no man, of what estate or condition he be, upon forfeiture of life and of limb, keep kernes, hobelers or idlemen in land of peace, to aggrieve the loyal people of our lord the King ; but that he who will keep them, keep them in the march at his own expense, without taking anything from any person against their will. And if it happen that any man, whether kerne or any other, take any manner of victuals or other goods of any against his will, that hue and cry be raised against him, and he be taken and committed to gaol if he will surrender himself, and if not, but make resistance and force, so that he will not suffer the attachment, it be done to him as to an open robber ; and

XVII.

No one to keep kernes, &c., save at his own cost.

Hue and cry against any taking victuals against owner's will.

faire¹ de luy come de Robeo^r appt & tiel manere pris soit tenuz p^r Robere et en cas q^e tiel meffessours defiennent lattachement q^e nul home lez p^rra prendre adonq² respoigne son seigno^r ou le meno^r p^r luy & face gree a la ptie q^est issint endomadge & sil ne face gree a la ptie, eit le Roy la suit deus luy sibn p^r luy mesmes come p^r la ptie, Et eux q^e ne leuent a celle hre & crie soint tenz et punys come mainteno^r de felons et si nul home teigne ou mene kernes hobelours ou hudyues³ gentz aufement q^e de suis est dit, eit Judgement de vie et de membre & soint ses terres et Tenement^r forfaitz.

18. Item soit vncore³ fait q^e toutz yceux qⁱ sont ore hudyues gentz & volient prendre terres de Roy veignent a mon f^{or} le Duc lieuten^{nt} nre f^{or} le Roy en Ireland Chaunceller ou Theasurer le Roy & p^rignent terres gastes du Roy a fee ou a ferme, si les voillent prendre des alfs f^{or} veignent a eux ou a lo^r seneschall en mesme la manere.

19. Item q^e nul mchies ne autre teignene plement ne dalliance ove nul Irroies ou Engleis [Rebell^r]⁴ q^e sont encontre la peez saunz congie de la Coort ou en p^sence de viscont nre f^{or} le Roy ou des gardins de la pees q^e puissent voier q^e tiel plement ou daliaunce soit p^r cõe pfit & ne my p^r singler et q^e le face, eit lempisonment et soit reint⁵ a la volunte le Roy.

20. Item ordeigne est et estable q^e si ascu de linadge ou de aerauntz ou de reten^{ntz} de ascun chieftayne de linadge Engleis dedins la terre dirland q^u le dit cheftayn p^rru chaster, face ascun trespass ou felonie q^e le dit cheftayn ap^r q^u eit ent notiz q^u face prendre le dit miffeso^r & luy maundre a la prochin gaola illonq^u a defier tanq^u q^u soit deliue p la lei, Et si le dit cheftain ne voile ceo faire q^e son corps soit pris⁶ p^r le dit meffeso^r & detenutz en pison tanq^u le corpz la meffeso^r soit renduz a la Co^rt nre f^{or} le Roy destre iustisable come

¹ faict in MS. B. Mus.

⁵ remis in MS. B. Mus.

² Idoyues in MS. B. Mus.

⁶ Instead of the word pris, the words

³ on orie in MS. B. Mus.

deliuerer par la ley et si les d. chieftain

⁴ Not in MS. B. Mus.

are inserted here in MS. B. Mus.

that such manner of taking [of victuals] be considered a robbery. And in case such malefactors fly from the attachment, so that no man can take them, that then their lord or the leader answer for him, and make satisfaction to the party who has been so damaged. And if he make not satisfaction to the party, that the King have the suit against him, as well for himself as for the party. And that those who do not rise at such hue and cry be held and punished as maintainers of felons ; and if any man keep or lead kerns, hobelers, or idlemen, otherwise than is abovesaid, that he have judgment of life and limb, and his lands and tenements be forfeited.

Also, that it be proclaimed that all those who are now idlemen and are willing to take lands of the King, come to my lord the duke, lieutenant of our lord the King in Ireland, the chancellor or treasurer of the King, and take waste lands of the King in fee or in farm ; if they wish to take of other lords, that they come to them, or to their seneschal, in like manner.

Also, that no marchers or others hold parley or intercourse with any Irish or English rebels who are against the peace, without leave of the Court, or in the presence of the sheriff of our lord the King, or the wardens of the peace, that they may see that such parley or intercourse be for common and not for individual benefit ; and that he who does it be imprisoned, and be fined at the King's will.

Also, it is ordained and established, that if any of the lineage, or of the adherents or retainers of any chieftain of English lineage, within the land of Ireland, whom the said chieftain can chastise, commit any trespass or felony, the said chieftain, after he have had notice thereof, cause the said malefactor to be taken and committed to the next gaol, there to remain until he be delivered by the law ; and if the said chieftain will not do so, that his body be taken for the said malefactor, and detained in prison, until the body of the malefactor be given up to the Court of our lord the King, to

de suis est dit et *maintenens soit de le dit¹ chiefteyn p^r le contempt reint a la volunte le Roy et face gree a la ptie issint grevee.*

21. Item accord est & assentu qun pees & guerre soit p tout la terre issint q^e nul Irroies ou Engleis soit de guerre en vn Counte q^e les Countees enuyron les facient guerre & greur en lo^r marches maintenaunt q^{ut} ilz s'ront garnuz p les gardines de la pees de dite Counte ou p viscont ou la guerre sourdy [et sils ne les font soient tenuz come mainteners de felons et si ceux de la countree ou la guerre sordit]² soeffrent lo^r marches estre destrutz p les enemies et ne vuillent leuer de arrestre le malice des enemies ap^{re} q^u soient resonablement garnz p les garriens³ de la pees ou p viscount ou cre leue en paies du dit Counte q^e adonques ilz soient tenuz come maintenours des felon.

22. Item p^r ceo q^e di^{uses} gentz fount di^{uses} Roberies⁴ et felonies en franchises & se fuent ove lo^r biens en Guydable issint q^e les ministres de franchises ne point illonq^s faire lo^r office ne le felouns ne lo^r biens prendre mes soint illoeq⁵ ove lo^r biens receptz. Et auxint di^{use} gentz q^e font di^{use} roberies & felounies en guildable fuent ove lo^r biens en la franchise issint q^e le ministres nre f^{or} le Roy ne poent illoeq⁵ lo^r office faire ne les felouns ove lo^r biens prendre mez sont illoeq⁵ ove lo^r biens recepte accorde est & assentu q^e si nulle ministre de la franchise face pursuit s^r nul tiel feloñ en le guildable q^e ceux de guildable soient en eide p^r tiel manere felon prendre & luy delyverer a dit ministre ensemblement ove lez biens ove luy troves & facent de ceo la livere auxi^{bn} de corps come de chateux a dit ministre de faire ceo q^e a la ley appent et q^e ceux de la franchise facent en meisme le manere a viscont nre f^{or} le Roy ou a ses ministres q^e font la suyt s^r tielz felons q^e fount felonies & fuent ove⁵ lo^r biens en franchise & si nul face felonie en un countee⁶ & defue en autre countee⁶ ou en

¹ non moins soit le dit in MS. B. Mus.

² This passage occurs in MS. B. Mus.

³ Gardiens in MS. B. Mus.

⁴ Rebellions in MS. B. Mus.

⁵ auer in MS. B. Mus.

⁶ Countree in MS. B. Mus.

be amenable to justice, as is above said ; and nevertheless that the said chieftain, for the contempt, be fined at the King's will, and make satisfaction to the party so aggrieved.

Also, it is agreed and assented, that one peace and war be throughout the entire land, so that if any Irish or English be at war in one county, the counties around them shall make war and harass them in their marches, so soon as they shall be warned by the wardens of the peace of the said county, or by the sheriff where the war arises ; [and if they do not, they be held as maintainers of felons ; and if those of the country where the war arises] suffer their marches to be laid waste by the enemy, and will not rise to check the malice of the enemy, after they be reasonably warned by the wardens of the peace or by the sheriff, or cry raised in the countries of the said county, that then they be held as maintainers of felons.

XXI.
One peace and
one war
throughout
Ireland.

Also, whereas divers people commit divers robberies and felonies in franchises, and fly with their goods into geldable, so that the officers of the franchises cannot execute their office there, or take the felons or their goods, but they are received there with their goods. And in like manner divers people who commit divers robberies and felonies in geldable, fly with their goods into the franchise, so that the officers of our lord the King cannot there execute their office, or take the felons with their goods, but they are received there with their goods ; it is agreed and assented that if any officer of the franchise make pursuit after any such felon into geldable, that those of the geldable be in aid to take such manner of felon, and to deliver him to the said officer, together with the goods found with him, and thereupon deliver up, as well the body as the goods to the said officer, to do that which to the law appertains ; and that those of the franchise act in like manner towards the sheriff of our lord the King, or his officers who make pursuit after such felons, who commit felonies and fly with their goods into a franchise ; and if any commit felony in one county, and fly into another county, or into a

XXII.
Officers of
franchises
may pursue
felons into
geldable land,
and sheriffs
may pursue
into fran-
chises.

franchise & illoeque¹ demoer q^e le viscount de cell countie¹ ou la felonie si fist eit ponair a mandre p^r ses p^rceptes as viscountes ou seneschallx de les p^rties ou le dit felon demuert auxibⁿ deinz franchise come dehors a prendre *le corps*² le dit felon et del remaundre & q^e les dites viscontes & seneschallx soient obeissance chescun en tiel case a autre mandem¹. Et si nul de Guildable ou de franchise leue en eide de tielx meffesours issint q^e les ministres ne puissent lor^r office faire de eux q^u soint tenz si noters felons come ceux q^e font lez roberies & punyz en mesme la forme, et si les ministres au^rntditz soient remissey en les executions de mandem¹ suisditz faire & de ceo soint atteintz soint adiuge a la p^rson & reintz a la voluntee le Roy & net paz lentencien du Roy ne de Counseil q^e p^r tiel entre en franchise ou mandem¹ a seneschall q^e la franchise soit emblemy.

23. Item p^r ceo q^e diuse gentes enfeffent lor^r enfantz ou auters estranges de lor^r terres & donant lor^r biens & chateux p^r fraude & colucion de forbarer & delaier nre f^r le Roy de sa dette & p^rties de lor^r action et auxint fount mayntez feoffem¹ de lor^r ditz terres & tentz p^r aver diuse vochez & abater bref^r. Accorde est & assentu qⁱ si ceux alieno^r ou feffours p^rgnent les profitz des ditz terres & teñtes apres tielx alienations ou enfeffem¹ faitz qⁱ ilz nient contristant lez ditz feyntz alienations ou feoffem¹ faitz sount adiuges Ten^rtes a bref^r p^rchaser & q^u nient ascun vouche de ceux issint enfeoffe & q^e nre seigno^r le Roy et p^rties eient execution & recoverir de ceux terres biens et chateux issint alienes auxibⁿ come de terres et chateux le dit alieno^r propres. Et si aveigne q^e si ascu h^rde soit en purpose de leuee la guerre encontre le Roy ou de ascu felonie faire p^r cel cause enfeffe ascu home de ces terres p^r faire tielx felonies & treasons apres le feoffement q^e si apres q^u soit atteint de les Treasons ou felonies suisditz q^e les

¹ Countries in MS. B. Mus.

² These words not in MS. B. Mus.

franchise, and there remain, that the sheriff of that county where the felony was so committed have power by his precepts to order the sheriffs or seneschals of the parts where the said felon remains, as well within franchise as without, to take the body of the said felon, and to send it back ; and that the said sheriffs and seneschals be obedient each in such case to the mandate of the other. And if any of geldable or of franchise rise in aid of such malefactors, so that the officers cannot execute their office on them, that they be held as notorious felons as those who commit the robberies, and be punished in the same manner. And if the officers aforesaid be remiss in the execution of the mandates aforesaid and thereof be attaint, that they be adjudged to prison, and fined at the King's will. And it is not the intention of the King, or of the council, that, by such entry into franchise, or mandate to the seneschal, the franchise be injured.

Sheriffs and
officers of one
county to aid
those of
another in
felonies.

Penalty on
negligent
officers.

Also, whereas divers people enfeoff their children or others, strangers, of their lands, and give their goods and chattels by fraud and collusion, in order to bar and delay our lord the King of his debt, and parties of their action ; and also make many feoffments of their said lands and tenements, in order to have divers vouchers, and abate writs : it is agreed and assented that if such alienors or feoffors take the profits of the said lands and tenements after such alienations or feoffments made, that they, notwithstanding the said feigned alienations or feoffments made, be adjudged tenants for the purchase of writs, and that they vouch not any of those so enfeoffed ; and that our lord the King, and the parties, have execution and recovery of those lands, goods and chattels so aliened, as well as of the proper lands and chattels of the said alienor. And if it happen that if any man be purposed to levy war against the King, or to commit any felony, and for such cause enfeoff any man of his land, in order to commit such felonies and treasons after the feoffment, that if afterwards he be attaint of the treasons or felonies abovesaid, that the lands aforesaid, into whatever hands

Fraudulent
feoffments
void.

Forfeiture of
lands con-
veyed with a
view to war or
felony.

terres suisditz en qⁱ mains qⁱⁱ devendront soint forfaitz nient contristant la feoffem^t come si le fuissent en sa mayne demeame io^r de la felonie fait. Et eit cest ordenance lieu auxibien a les feoffem^t p celle cause au^ant cez heures faitz come en temps a uender affaire.

24. Item en chescū Countie¹ soient ordynez quatre de melth vauetz du Counte p^r estre Gardeyns de la peeze lez q^oux eient plein pouair de asser gentz chiuaux as armes hoblours & gentz a pee chescun solonc la valu & quantite de sez terres biens & chateux issint qⁱⁱ soient p^r arrester la malice des enemyes solonc ceo qⁱⁱ s^ront assiz p les gardines suisditz. Et q^e les ditz Gardeins apres larray² fait en la maner suisdit, facent vieu des ditz gentz de armes hoblours & gentz a pee de moys en moys en certeyn³ lieu de countee⁴ ou ils veont q^e meulz soit affaire en eyse du people. Et si les ditz Gardeins trouissent nul rebell q^e ne voet a lo^r maundem^t obeyr eiant pouair de les attacher & maunder a pschin gaole illoeq^m ademier tanq^l la ley de luy soit fait. Et si les gardeins de la peeze soient remissez ou negligantz en lo^r office faire & de ceo soient atteintz q^e adonques ilz soient prises & in prison et reintz a la voluntee le Roy. Et si nul issint eslieu gardein refuse de receyver la comission le Roy soit p^rise & en prison & ses terres seiss en la mayn nre seigno^r le Roy & issint desfigent tanq^l le Roy ent eit autrement ordeine et facent lez ditz Gardeyns serementz de loialment vser lo^r office en la manere suisdit.

25. Item ordine est q^e les mareschalz del vn Bank & del au^ee & dedins fraunchises ne p^rgnent desormes p^r lo^r fee plus qⁱⁱ p^rgnent en Engleterre cestascavoир Cink deniers soulement come teamoigne est a conseil qⁱⁱ fount en Engleterre solonc lestatut en Engleterre de ceo ent p^rueu et ceo apres q^e home soit acqⁱte ou convinct⁵ & finalment deliverez hors du coort & nemy au^ant. Et silz facent alencontre & de ceo soient

¹ *Countree* in MS. B. Mus.

² *leur arrive* in MS. B. Mus.

³ *chacun* in MS. B. Mus.

⁴ *la countree* in MS. B. Mus.

⁵ *en Countee* inserted here in MS.

B. Mus.

they shall come, be forfeited, notwithstanding the feoffment, as if they were in his hand the same day of the felony committed. And that this ordinance have place, as well in the case of feoffments on this account heretofore made, as hereafter to be made.

Also, in every county that there be ordained four of the most substantial of the county, to be wardens of the peace, who shall have full power to assess horsemen-at-arms, hobelers and footmen, each according to the value and quantity of his lands, goods and chattels, so that they be ready, whensoever there shall be need, to arrest the malice of the enemy, according to what they shall be assessed by the wardens aforesaid. And that the said wardens, after array made in manner aforesaid, make view of the said men-at arms, hobelers, and footmen, from month to month, in a certain place of the county where they shall see that it be best to be done, in ease of the people. And if the said wardens find any rebel who will not obey their mandates, that they have power to attach and commit them to the next gaol, there to remain until the law be made of them. And if the wardens of the peace be remiss or negligent in executing their office, and thereof be attaint, that then they be taken and imprisoned, and fined at the King's will. And if any one so chosen a warden refuse to receive the King's commission, that he be taken and imprisoned, and his lands seized into the hand of our lord the King, and so remain until the King have otherwise ordained therein, and that the said wardens make oaths to use their office lawfully in the manner abovesaid.

Also, it is ordained that the marshals of the one bench, and of the other, and within franchises, do not henceforth take for their fee more than they take in England: that is to say, five pence only, as it has been proved to the Council that they do in England, according to the statute in England in this behalf provided; and this after a man be acquitted or convicted, and finally delivered out of the court, and not before. And if they do to the contrary, and thereof be attaint, that their

Fee of
Marshals of
the Benches.

atteintz soient lo^r bailles seizez en la mayn le Roy p^r plaint de celuy q^u^e encountre cest accorde greuee & outra ceo facent gree a ceux qⁱ sount issint p^r eux endamadge & detenutz en p^rison tanq^u lo^r gree soit fait. Et q^e le mareschall de lescheq^u ne p^rgne q^u di n^ec chescun terme qu^unt home dema en sa garde p^r arreradges dacompte ou p^r la dette le Roy. Et qⁱ face a lencountre & de ceo soit atteint eit la penaunce come desuis est dit. Et q^e nul constable des chastelex dedinz franchise ne dehors ne p^rgne de nul p^rsoner mys en sa garde p^r son fee fors solem^e cinc deniers forspris le constable du Chastell de Dyvelyn q^e est le chief Chastell le Roy en Ireland p^r ceo q^e tesmoigne est au Counseil q^u doit plus prendre & de auncient temps ad fait & q^e autremⁱ face & de ceo soit atteint soit la Constablierie seizez en la mayn le Roy & celuy q^e ensy afa fait, soit pris & inp^rson tanq^u face gree a la ptie & fyn au Roy et q^e les mareschalles ne constables au^{nt}ditz dedeins franchises ne dehors ne mettent les p^rsoners q^u^e ont en lo^r garde a destresse & duretz de penaunce p^r singler p^rfit ou suet auoir & si l^o facent, soiut pris et detenus en p^rison tanq^u ilz eient renduz le double a celluy de qⁱ ilz ont receuz tielx torceios p^rfit et ne p^r qu^unt facent fyn au Roy et s^r ceo soient bref^e maundes a chescun place de la Pre ou mareschall ou constable cest aibn dedeins fraunchise come dehors comaundantz et Juface¹ de chescu place & auxint a Tresurer & Barons del escheq^u q^u^e facent charger les mareschall de lo^r ditz places q^u^e ne p^rignent de nully autrement desuis est dit et enq^rer de tempus en tempus de ceux qⁱ fount a lencountre a les puny en la forme suisdit.

26. Item ordeine est et establie q^e si home face felonie et soit fuytif ou atteint p^r outlarie ou en autre manere p^r q^a ses biens et chateux soient forfaitz au roy q^e lez viscountz de mesme le counte² ou les ditz felounes sont, facent seisir les

¹ au Justice in MS. B. Mus.

² countree in MS. B. Mus.

bailiwick be seized into the King's hand, at the complaint of him who is aggrieved contrary to this agreement; and moreover that they make satisfaction to those who are so damaged by them, and be detained in prison until their satisfaction be made. And that the marshal of the Exchequer take only Marshal of the Exchequer. half a mark every term, when a man shall remain in his custody for arrears of account, or for the King's debt. And that he who does to the contrary, and be thereof attaint, suffer the penalty as is abovesaid. And that no constable of castles, Constable of a castle. within franchise or without, take of any prisoner put into his custody, for his fee, but only five pence, except the constable of Constable of Dublin Castle. the Castle of Dublin, which is the King's chief castle in Ireland, by reason that it has been proved to the Council that he ought to take more, and from ancient time has done so. And he who does otherwise and thereof be attaint, that the constableship be seized into the hand of the King, and that he who shall have done so be taken and imprisoned until he make satisfaction to the party, and fine to the King. And that the marshals or constables aforesaid, within franchises or without, put not the prisoners whom they have in their custody to distress and duresse of punishment, for the purpose of obtaining their own profit or suit; and if they do so, that they be taken and detained in prison until they have rendered double to him from whom they have received such wrongful profit, and moreover make fine to the King. And that hereupon writs be sent to every place of the land where there is a marshal or constable, as well within franchise as without, commanding the justice of each place, and also the treasurer and barons of the Exchequer, to cause charge to be given to the marshal of their said places, that they take not of any person otherwise than as aforesaid; and to inquire from time to time of those who do the contrary, and to punish them in the form abovesaid.

Also, it is ordained and established that if any man commit XXVI. felony, and be fugitive or attaint by outlawry, or in any other Sheriffs to seize goods forfeited by attainder, &c. way, whereby his goods and chattels are forfeited to the King, that the sheriffs of the same county where the said felons are,

ditz biens et chateux en la mayn le roy en qⁱ mains ilz ap^r detenent & respondint de ceo a nre f^{or} le roy de s^r lor accompt sils mettent tielx biens et chateux en ascun garde les mettent en tiel garde p^r queux ilz vallent respondere & q^e les villes ne soient ent chargez come ilz soleient au^{nt} ces heures.

27. Item¹ q^e si trewe ou peez soit pris p le Justice ou gardeynes de la pees ou viscountz entre lez Engleys & Irroies & si ele soit debruse p ascun Engleis & de ceo soit atteint soit pris et mis en p^rson tanq^e gree soit fait p luy & ² ceux qⁱ sont desrobes & endamages p celly encheson et ou³ ceo soit reint a la volonte ley roy & sil neit done faire restitucion a ceux q^e sont issint endamages eit ppetuell p^rson et tielx gardeynes & viscountz eiant pouair denq^rer de tielx q^e issint enfreignent la pees.

28. Item ordeine est q^e si debate soit meu pentre Engleys et Engleys p q^e les Engleys dun pte & d'autre coillent a eux Engleys et Irroies en pais illoq⁴ a demier p^r guerrer & greu^r au⁵s a graund damage & destruction de lieg people le roy, Accorde est et assentz q^e nul Engleis soit si hardie de mouer guerre antre au⁵s de amener nul Engleys ne Irroies desorment p celle encheson & qⁱ le face & de ceo soit atteint, eit Jugement de vie et de membre & lor terres forfaitz.

29. Item accorde q^e nul home de qⁱ estate ou condicōn q["] soit face n¹ manere de *arrestee ne³* desturbance a nu¹ des ministres nre f^{or} le roy p q^e il ne poit son office faire & qⁱ le face & de ceo soit atteint soit pris et enp^rson & *reint⁴* a la volonte le roy.

30. Item ordeine est q^e nulles Engleys cōes meffesours ne cōes robiours ne abareto["] soient mayntenuz p nul de la Court le Roy ne p les graundes ne petitz de la terre s^r la pile

¹ ordonne inserted here in
MS. B. Mus.
² a in MS. B. Mus.

³ These words not in MS. B. Mus.

⁴ remittet in MS. B. Mus.

cause the said goods and chattels to be seized into the King's hand, in whatever hands they may afterwards be detained, and answer thereof to our lord the King on their account ; and if they put such goods and chattels into any custody, they put them into such custody as they can answer for, and that the vills be not thereof charged as they were wont heretofore.

Also, that if truce or peace be made by the justiciar, or wardens of the peace, or sheriffs, between English and Irish, and it be broken by any Englishman, and he be thereof attainted, that he be taken and put in prison until satisfaction be made by him to those who are robbed and injured on that account, and further that he be fined at the King's will ; and if he have not wherewith to make restitution to those who are so injured, that he have perpetual imprisonment. And that such wardens and sheriffs have power to inquire concerning those who so break the peace.

Also, it is ordained that if dispute arise between English and English, whereby the English on one side and on the other gather to themselves English and Irish in the country, there to remain to make war upon and aggrieve the other, to the great damage and destruction of the King's liege people ; it is agreed and assented that no English be so daring as to stir up war with each other, to draw away henceforward any English or Irish for such purpose, and he that does it, and thereof be attaint, have judgment of life and limb, and his lands forfeited.

Also, it is agreed that no man, of what state or condition he be, make any manner of arrest or disturbance against any of the officers of our lord the King, whereby he may be unable to execute his office ; and he who so does, and thereof be attaint, be taken and imprisoned, and fined at the King's pleasure.

Also, it is ordained that no English common malefactors or common robbers or barrators, be maintained by any of the King's court, or by the great or small of the land, upon the

XXVII.
English truce
breakers to be
imprisoned.

XXVIII.
English not to
stir up war.

XXIX.
The King's
officers not to
be hindered.

XXX.
Malefactors or
barrators
not to be
maintained.

q^eppent cestascavoir sil soit seignor del franchise p^e sa franchise & si autre pson soit pris & reint a la volonte le Roy.

31. Item ordeine est q^e les cheiff s^riantes de fees et lo^r atturnees facent duhe execusion de mandement le Roy & des viscountz come ilz deshoent faire, et silz ne facent & de ceo soient attaintz soient lo^r bailliees seises en la maine le Roy & lo^r corps a la pⁱson & qⁱⁱ desormes ne lassent lo^r baillies a pluis haut ferme q^e en ancient estoit solome¹ ceo q^e p le statut s ceo fait en Engleterre est ordeine.

q^e vi^c bis
tenant turn²,
suiⁿ p annuⁿ
nō habeat
vitra.

32. Item q^e come somons del Eschequer nre f^{or} le Roy Dirland vienantz a diu^s viscountz et seneschalles de le franchise p^r les dettes nre f^{or} le Roy leuer de diu^s gentz en lo^r bailliees lez queux viscountz & Seneschalx ensemble¹ oue les s^riantz de countees et franchises si fount leuer diu^s somes dez ditz dett^r de diu^s gentz de countees franchises & les ne acquitent my s^r lo^r accompt^r al Eschequer mes si excusent p les s^riantz de fee et lo^r lieutenantz p q^e la paie des dettes nre f^{or} le Roy si est targe delay et le people grauntem¹ endamadge de ceo qⁱⁱ ne soint my acq^tter de les deniers qⁱⁱ oūt pais; Accorde est et assentz q^e quant les viscountz et les Seneschalx de Loueth, Mid, Trym, Dyvelin, Kildare, Cathirlagh, Kilkenny, Wey^s, Waterford et Tippera^r vienent p^r lo^r accomptz rendre devant Treasorer ou Barōns des issues de lo^r Bailles q^e les s^riantz de fee q^e sount presentz & les Deputies de eux q^e sont hors de terre soint distreintz de venir en lescheq² & illoeq² demier ove lez ditz viscountz & Seneschalx tanq² ces ditz viscountz & Seneschalx eient pleinement accompt^r. Et si issint soit q^e les ditz viscountz ou Seneschalx p^ront charger les ditz s^riantz ou lo^r deputies qⁱⁱ oūt receuz deniers le Roy de nully nient fesant la paie as ditz viscountz & Seneschalx & ceo soient atteintz demorgent lo^r corps en garde du marchall

¹ reloiu^e temps estoient in MS. B. Mus.

penalty thereto attaching, that is to say, that if he be a lord of a franchise, he lose his franchise, and if any other person, that he be taken and fined at the King's pleasure.

Also, it is ordained that the chief serjeants of fees, and their attorneys, make due execution of the mandates of the King, and of the sheriffs, as they ought to do ; and if they do not so, and thereof be attaint, that their bailiwicks be seized into the King's hand, and their bodies be sent to prison ; and that henceforth they lease not their bailiwicks at a higher farm than was anciently done, according to what by the statute thereupon made in England is ordained.

Also, whereas summons of the Exchequer of our lord the King, of Ireland, comes to divers sheriffs and seneschals of persons in their bailiwicks ; which sheriffs and seneschals, together with the serjeants of counties and franchises, do accordingly levy divers sums of the said debts, of divers persons of counties and franchises, and do not discharge them upon their accounts at the Exchequer, but excuse themselves by the serjeants of fee and their deputies, whereby the payment of the debts of our lord the King is so retarded and delayed, and the people greatly injured in this respect, that they are not discharged of the money that they have paid : it is agreed and assented, that when the sheriffs and seneschals of Louth, Meath, Trim, Dublin, Kildare, Carlow, Kilkenny, Wexford, Waterford, and Tipperary, come to render their accounts of the issues of their bailiwicks, before the treasurer or barons, that the serjeants of fee who are present, and the deputies of those who are out of the land, be distrained to come into the Exchequer, and there remain with the said sheriffs and seneschals, until the said sheriffs and seneschals have fully accounted. And if it be so that the said sheriffs or seneschals can charge the said serjeants or their deputies, that they have received the King's money of any one, not making payment to the said sheriffs and seneschals, and they thereupon be attainted, that their

XXXI.
Serjeants of
fee to make
due execution.

XXXII.
As to taking
sheriffs'
accounts,
Leinster
counties.

tanq^e gree soit fait a nre seigno^r le Roy de ses deniers en
 descharge des dettours nre f^{or} le Roy ou des ditz viscountz ou
 Seneschallx silz eient de que et si ne ye^l demorgent en p^{son}
 tanq^e ilz soient deliiez p le conseil & ne p q^{nt} soient les
 viscountz & Seneschallx ent charges s^r lo^r accompte come deu^{nt}.
 Et q^e toutz le dettes leuez p les s^r iante soient paies a viscountz
 p endenture entre eux faitz issaint q^e quant les ditz s^r iante
 viennent s^r laccompte de viscont en lescheq^r q^{nt} puissent
 monstrer lo^r indenture² & tesmoigner des q^{ux} ilz ount receuz
 leez deniers le Roy & des q^{ux} nemy. Et p^r ceo q^e les
 countees de Conaght, Kery, Corcke & Lymerick sount si loyne
 de la Court q^e les s^r iante de mesmes les countees ne poent
 bonement venir a le dit Eschequer destre s^r laccompt des viscountz
 & Seneschallx de mesmes les Countees come auters s^r iante
 fount. Accorde est et assentuz p³ les s^r iante des ditz countees
 ou lo^r Deputies quant vn des barons oue Clerck Assignes p
 Treasurer & Baron vient p comission del Eschequer es pties
 suisdit^e p^r la veretyre⁴ examiner & la dette nre f^{or} le Roy
 leuer q^e adonq^{nt} demorgent ou le dit Baron ou Clerck tant
 come les ditz viscoütz & Seneschallx demorgent. Et si issint
 soit q^{nt} ont enz receuz de nully nient fessant la paie as ditz
 viscountz ou Seneschallx en la manere suisd^e q^e adonq^{nt} soient
 arrestuz et eient la penaunce susdit. Item p^r ceo q^e les fees
 de viscountz si sount ordines p estatute & les viscountz en la
 terre Dirland preignent en lo^r turnes de chescun Baronie en
 lo^r Ballie vn marc per an & de chescun ville m^rche a le foitz
 xxs. x^s.⁵ & di m^rrc⁶ a tresgraunde oppression de people. Accorde
 est & assentu q^e les viscountz suisditz teignent lo^r turnes deux
 foitz p an, cestascavoir apres la fest saint Michell et apres la
 pasq^u, et q^{nt} ne p^rignent si non xl d. de chescu Baronie a chescu
 turne coment diuse villes marches ou Burghes soint dedeins

¹ nemy in MS. B. Mus.

² ordonnaunce in MS. B. Mus.

³ que in MS. B. Mus.

⁴ recte verte cyre.

⁵ x^s in MS. B. Mus.

⁶ The words & di m^rrc are omitted in it.

bodies remain in custody of the marshal, until satisfaction be made to our lord the King, of his moneys, in discharge of the debtors of our lord the King, or of the said sheriffs or seneschals, if they have wherewithal, and if not, that they remain in prison until they be delivered by the Council, and nevertheless that the sheriffs and seneschals be thereof charged upon their account as before. And that all the debts levied by the serjeants be paid to the sheriffs by indenture made between them, so that when the said serjeants come on the account of the sheriff in the Exchequer, they may show their indenture, and prove from whom they have received the King's money, and from whom not. And whereas the counties of Connaught, Same, Kerry, Cork, and Limerick, are so far from the Court, that the said serjeants of the said counties cannot conveniently come to the said Exchequer, to be present on the accounts of the sheriffs and seneschals of the said counties, as other serjeants do ; it is agreed and assented that when one of the barons, or a clerk assigned by the treasurer and baron, come by commission of the Exchequer to the parts aforesaid, to examine the green wax and to levy the debt of our lord the King, the serjeants of the said counties or their deputies then remain with the said baron or clerk, as long as the said sheriffs and seneschals remain. And if it happen that they have received any part thereof from any person, without making payment to the said sheriffs or seneschals, in the manner aforesaid, that then they be arrested, and suffer the penalty aforesaid.

Also, whereas the fees of sheriffs are ordained by statute, XXXIV. and the sheriffs in the land of Ireland take in their turns of every barony in their bailiwick, one mark yearly, and of every market town some times twenty shillings, ten shillings, and half a mark, to the very great oppression of the people ; it is agreed and assented that the aforesaid sheriffs hold their turns twice in the year, that is to say, after the feast of Saint Michael and after Easter ; and that they take only forty pence of every barony at each turn, although there be divers market towns or burghs within the same barony. And whether

That the sheriffs hold their turns twice in the year.

Their fees.

mesme le Barronie. Et si issint soit q^ui soit prie¹ p ie Roy² de Baronie sil ne soit requise ou prie a manger ne pigne riens, [¶ q^u nul clerk de viscountz p cause de tel Turne ne pigne riens]³. Et auxint q^ue desore en au^{nt} nul denier soit leue de nul carve de terre ne autre manere p cause de celle office faire si nō le di marc p an come deusuis est dit. Et si nul face encontre le ordinance suisditz ¶ de ceo soit atteint soit commaunde a la p^uson ¶ outre ceo rendre a ceux q^uux il soit pris riens p celle cause encontre la dit ordinaunce la doble silz ce veullent pleindre ¶ puis soit reint a la volunte le Roy et q^ue nulles viscountz de franchises q^ui de reson deuent éteins fees des f^{am} de mesme la franchise p^r lo^r office faire ne pignent riens p^r lo^r Turnes de gentz de lo^r Bailles mes se teignent paiez de ceo q^u pnt des ditz seign^u de franchises ¶ silz facent et de ceo soient atteintz, eient mesme la penaunce.

pro labor'
Inveniend

Item p^r ceo q^u les cōes de la terre se pleinent diūslement estre greuez p defaut des servantes dont les Justice assignes de laborers moltz en cause de ceo q^u les cōes⁴ ses sount de graunt ptie absentes ¶ fuent hors de la dit terre. Accordé est ¶ assentu q^u p cause de viuere ¶ vitailles sont plus encheriz q^u ne solient q^u resonablement chescun laborer en son degré solonc discrepcion de deux melth vadeux⁵ ¶ plus sages de la⁶ Citee ville Burgh ville village ou hamlet hamlet⁷ en pais la ou il ferra son labor pigne son leuer en grosse ou p iourne ¶ si ne vuiller le faire ne obeir soient pris p le Maier Seneschallx Suffrain Provost ou Bailly des Cities ¶ villes ou ilz sount ou p le viscoût de Countie ¶ mis en p^uson tanq a la venue de Justices Assignes q^u vendrent deux foitz p an en chescun countie le Justice de la chief place q^u de ceo ferront duhe punissem^t ¶ droit a les pties q^u ent se sentront greuez q^u

¹ recto pue. See Ordinances of 1351, article 24 (p. 395).

² S^r in MS. B. Mus.

³ This sentence is not in MS. B. Mus.

⁴ labourers inserted here in MS. B. Mus.

⁵ Valereus in MS. B. Mus.

⁶ terre inserted here in M.S. B. Mus.

⁷ Word repeated in original.

it be so that he is supplied with food by the lord of the barony, or he be not requested or invited to eat, that he take nothing ; and that no clerk of the sheriffs, on account of such turn, take anything. And also that from henceforth no money be levied of any carucate of land, or in any other manner, on account of executing this office, except half a mark yearly, as is aforesaid. And if any person act contrary to the ordinance aforesaid, and thereof be attaint, that he be committed to prison, and moreover, render to those from whom he have taken anything on this account, contrary to the said ordinance, the double, if they will complain, and afterwards be fined at the King's will. And that no sheriffs of franchises, who of right ought to have certain fees from lords of the said franchise for executing their office, take anything for their turns from the people of their bailiwicks, but consider themselves paid by what they may receive from the said lords of franchises ; and if they do so, and thereof be attaint, that they have the same penalty.

Also, whereas the commons of the land complain that they are in divers ways distressed by want of servants, for which the assigned justices of labourers are much the cause, by reason that the common labourers are for a great part absent, and fly out of the said land ; it is agreed and assented, that, because living and victuals are much dearer than they were wont to be, each labourer reasonably, in his degree, according to the discretion of two of the most substantial and discreet men of the city, town, burgh, vill, village, or hamlet, in the country where he shall perform his labour, receive his maintenance in gross or by the day ; and if they will not do so, nor be obedient, that they be taken by the mayor, seneschals, sovereign, provost or bailiff of the cities and towns where they are, or by the sheriff of the county, and put in prison, until the coming of the justices assigned, who shall come twice in the year into each county, [or]the justice of the Chief Place, who shall award due punishment for the same, and do right to the parties who

XXXIV.

As to main-
tenance for
labourers.Punishment
of refractory
labourers.

nul laborer passe outre mier & en case q^e face & reueigne soit pris & en pⁱson p vn an & puis reint a la voluntee le Roy et autre ceo soit bref^e mandz as viscountz Maires Seneschallz Suffrains et Bailles des Countees Cities et villes p tout la terre ou port de mier et commandant a eux q^une seeffrent n^e tel passage de laborers. Et auxint accord est q^e les Comⁱssioners faitz a Justice^e de laborers en chescu Countee¹ soient repellez et q^e desormes ne soient tielx.²

qd inqui-
rat de istis
articulis plus
fractis et per
Comisⁱ R.
ac eas
audiend. et
terminand.

Item accorde et establie q^e en mainten^ance de execu^{tion} des estatz devant ditz q^e deux pⁱdeshomes aprise de la ley associez & a eux deux de moet vaduez du Counce p le Counsell le Roy soient assignes p co^mission denquerer deux foitz p an en chescun Countee ses³ q^e enfreignent les articles au^antditz & de oier et terminer les q^e ent s^rant enditz deu^ant eux ou a suyte de ptie & des diu^sses auters articles queux s^ront contenuz en la dit comission solont en le peynes⁴ les ditz estatz contenuz saunz favo^r faire a ascu pson & de certifier en la Chauncelery de temp^e en tempus ceo q^e p eux ent s^rra fait.

Item nre ⁴or le Duc de Clarence lieuten^ant nre dit ⁴or le Roy en Ireland et le Counseil nre dit ⁴or le Roy illoeques Countees Barrouns & Cœs de la terre suisdite a ceste present pliament assemblez ount requise les Ercevesq^m et Evesques Abbas Priours et auters gentes de Religion q^u facent excoingement et exconger les psons countreuenantz les estatutz & ordinaunces au^antditz et auters censures de saint esglise ou^b eux fulmyner si ascunz p Rebellitee de cuer veigne encountre les estatutz et ordinaunce suisdite. Et nous Thomas Ercevesq^m de Duuelin, Thomas Ercevesq^m de Cassell, John Ercevesq^m de Thueme, Thomas Evesq^m de Lismore et Waterford, Thomas

¹ countree in MS. B. Mus.

² comission grauntées added in MS. B. Mus.

³ ceou in MS. B. Mus.

⁴ poinct^e contenuz au^a dit statut in MS. B. Mus.

⁵ en in MS. B. Mus.

shall feel themselves aggrieved thereby. And that no labourer ^{Labourers not to pass beyond sea.} pass beyond sea ; and in case that he do so and return, that he ^{to pass beyond sea.} be taken and put in prison for a year, and afterwards be fined ^{at the King's will.} And moreover, that writs be sent to the sheriffs, mayors, seneschals, sovereigns, and bailiffs of counties, cities, and towns throughout the land where is a seaport, commanding them that they do not suffer any such passage of labourers. And it is also agreed that the commissions made to ^{Commissions to Justices of labourers repealed.} justices of labourers in every county be repealed, and that ^{Commissions to Justices of labourers repealed.} henceforth none such be granted.

Also, it is agreed and established, that in maintenance of the ^{XXXV.} execution of the statutes aforesaid, two prudent men, learned in the law, having associated with them by the King's council ^{That enquiry be made of those articles heretofore broken, and by commission of the King to hear and determine them.} two of the most substantial men of the county, be assigned by commission to inquire twice a year in every county respecting those who break the articles aforesaid, and to hear and determine such cases thereunder as shall come before them by indictment, or at the suit of the party, and of the different other articles which shall be contained in the said commission, according to the penalties thereof in the said statutes contained, without doing favour to anyone, and to certify into the Chancery from time to time that which shall have been done by them therein.

Also, our lord the duke of Clarence, lieutenant of our said ^{XXXVI.} lord the King, in Ireland, and the Council of our said lord the King there, the earls, barons, and commons of the land aforesaid, at this present Parliament assembled, have requested the archbishops and bishops, abbots, priors and other persons of religion, that they cause to be excommunicated, and do excommunicate the persons contravening the statutes and ordinances aforesaid, and to fulminate other censures of Holy Church against them, if any, by rebellion of heart, act contrary to the statutes and ordinances aforementioned. And we, Thomas, archbishop of Dublin ; Thomas, archbishop of Cashel ; John, archbishop of Tuam ; Thomas, bishop of Lismore

Evesq de killalo, William Evesq de Ossorie, John Evesq de Leighlin, et John Evesq de Clon esteantz presentz en le dit pliament a la req^{est} nre dit tresdouce f^{or} le Duc de Clarence lieuten^{ant} nre f^{or} le Roy en Ireland et les f^{ors} et cōes au^{nt}ditz en le countreueñncz les estatuz or¹ ordenaunce suisdēes lo^r temps transpassis precedauntz sentens de excomgement fulminons et excommengenus p cest present escript res^rvaantz et chescun de nous res^rvant la absolucion de nous mesmes et de nous subgitz sil ne soit en pill de morte.

Explicunt Statuta Kilkenie.

¹ *as* in the other MSS.

and Waterford ; Thomas, bishop of Killaloe ; William, bishop of Ossory ; John, bishop of Leighlin ; and John, bishop of Cloyne, being present in the said parliament, at the request of our said most gracious lord the Duke of Clarence, lieutenant of our lord the King, in Ireland, and the lords and commons aforesaid, passing over the time preceding, do fulminate sentence of excommunication against those contravening the statutes or ordinances aforesaid, and do excommunicate them by this present writing, reserving, and each of us reserving, the absolution of ourselves and of our subjects, if they be in peril of death.

Here end the Statutes of Kilkenny.

42 EDWARD III. A.D. 1368.

OF AN ORDINANCE MADE CONCERNING THE LAND OF IRELAND.¹

Grievous state
of Ireland.

Lately by the grievous and frequent complaint of our faithful subjects, prelates, earls, barons, and other magnates and the commons of our land and lordship of Ireland, it was shown to us and to our great council how the Irish and others, our enemies there, rode in hostile array through every part of the said land, committing homicides, robberies [and] arsons, pillaging, spoiling, and destroying monasteries, churches, castles, towns, and fortresses, without showing reverence or respect to God, or to Holy Church, or to any person, to the great shame and disherison of the king and of his loyal subjects, so that the land was at point to be lost, if remedy and help were not immediately supplied.

Parliament
summoned to
provide
remedy.

Whereupon our lord the king, desiring very earnestly, by the aid of our Lord, to bring the matter to a good and speedy relief, and thinking that by his faithful subjects of Ireland, who suffer and have suffered such injuries and mischiefs and who live continually therein, he could be better advised, and good counsel and ordinance be given in this case, by his special mandate made under his great seal and passed by the advice of his great council, by sufficient notice and summons beforehand, caused to be set and established in his said lordship a general parliament of the prelates, earls, barons, and other lords, wise men and commons, his liege and faithful subjects there, to advise and counsel him upon the said matter, which so highly touched his estate and that of his crown; the which subject having been well and long debated between them in the said parliament held at the city of Dublin on the Monday next before the feast of the Invention of the *Holy Cross*² last past, at length it appeared and seemed to them in particular and in general, that the said mischiefs could not in any wise be redressed and amended, nor the said land succoured, except by the coming and continuous residence of the earls, nobles, and others of his realm of England, who have inheritance in the said land of Ireland, in their own persons or by their strong men, sufficient and well equipped for war, upon their lordships, lands, possessions, and inheritances within the said lordship of Ireland, for recovering their inheritances there lost, opposing the said mischiefs, [and for] the preservation of the estate of our lord the king, and of the rights of his crown, and the aid of the lands aforesaid.

Necessity for
landowners
to reside in
person or
supply men at
arms.

And that they and each of them might and ought to be driven and compelled to do this quickly and within short space, considering that upon the first conquest of the said land of Ireland, made by his good ancestors, then kings of England, many honours, lands, possessions, and inheritances, being within the said lordship of Ireland, were given and granted in inheritance by his said ancestors to many noble persons and others of his realm of England, in order that they should continually reside and dwell in their own persons with their families upon the said conquest, to defend and maintain it for ever thereafter against all men who should attempt to rise or to rebel against the said conquest, on his fealty and allegiance. And that his said subjects of England having inheritances in such manner in his said lordship of Ireland have, since obtaining their inheritance, for the most part dwelt in England and elsewhere, and drawn and levied the fruits and revenues

Landowners
drawing
revenues
generally
absentees.

¹ The text, taken from Close Roll (Engl.) 42 Edward III, m. 4d., is printed in Rymer's *Fadera*, Vol. III, part 2, p. 854. See also Betham's *Early Parliaments of Ireland*, p. 302.

² This feast was celebrated on 3rd May.

of their said inheritances without defending them, and without doing their duty in this case, whereby all the said evils and mischiefs without any opposition have occurred.

And upon these points they agreed finally. The which advice and agreement was fully reported and notified to the King and to his council by the prelates and other magnates of the said parliament, under their seals.

And afterwards postponing the matters under consideration, our said lord the King was again fully assured by his said magnates and subjects of Ireland, that the said evils and mischiefs were renewed, multiplied and greatly increased, so much so that his said lordship of Ireland was for the most part destroyed and lost, as they caused him to know by their letters, requiring aid and help in the way which was agreed upon, assented and required by their said parliament.

Our said lord the King, having had long and mature consultation and advice upon all the said matters and the circumstances thereof, for the said and other reasonable causes which moved him hereto, and especially for the preservation, recovery, and defence of his lordship aforesaid, by the advice and express consent of the peers, prelates, dukes, earls, barons, nobles, magnates, and wise men of his council, for this purpose in his presence assembled, of his certain knowledge and royal authority, accepting and adopting the advice and assent of the parliament aforesaid, seeing clearly the need and want to be so very great that otherwise his said land and lordship would be utterly destroyed and lost;

Has declared, willed, and ordained that all those of the realm of **Enactments.** England, be they prelates, dukes, earls, barons, or others of whatsoever estate, degree, or condition, who have or claim to have any lordships, lands, or possessions or other inheritances whatsoever within his said lordship of Ireland, go thither, and each of them henceforth reside continuously upon their lordships, lands, possessions, and inheritances aforesaid; and that they go thither, each of them in his own person, with their families and men at arms and others, according to the proportion and quantity of the inheritances which they have and claim to have there, all excuses, delays, or essoins ceasing.

And if for great and urgent necessity or other reasonable cause whatsoever, they cannot in any way go and dwell there in their own persons, the which cause shall be shown to, discussed and approved by the King and his council, then each of them shall send men at arms and others, sufficient and well equipped, to remain and dwell on their said inheritances in Ireland, at their own costs and expense, for the defence, government, and conquest of the lands, lordships, and inheritances aforesaid, as if they and each of them were there in their own persons, ceasing all impediment.

And if such sufficient impediment thereto be approved, as is aforesaid, that they send thither men at arms and others in a sufficient number, and according to the proportion and quantity of their inheritances in Ireland, as is aforesaid, before the feast of Easter next ensuing. And if they are not there in their own persons with their families and men at arms and others, or send not thither at the time and in the manner which is aforesaid, then immediately all the lords and others of England, of whatever estate, degree, or condition they be, shall be deprived of their lands, lordships, possessions, and inheritances, situated within his said lordship of Ireland; and they shall be applied to his [the King's] own [use], to ordain and dispose of them at his free will, and as it shall seem good to him for the preservation, defence, and support of his lordship aforesaid. Any challenge or contradiction whatsoever in any case whatsoever for the time to come notwithstanding.

Those in England having lands in Ireland to reside on them.

If unable, to supply men at arms there for defence,

before next Easter.

On default, to be deprived of the lands, &c.

By the King himself and council.

1 RICHARD II. A.D. 1377.

[CLOSE ROLL, 1 RICHARD II., ARTICLE 82.]

MEMORAND qd cum Justic Cancellar Theſ & alii de
 consilio dñi Regis in Hibñ ac þlati magnates poeres
 & cōes Pre Regis Hibñ in pliamento dñi Regis apud Tristel-
 dermot die Lune px post fm Cifum Anno p̄senti ſumonito &
 tento comparentes, in eodem pliamento int̄ ceſa ad inuicem
 t̄ctantes & consulentes qualit̄ Murgh Obryen qui cum magna
 potencia Hibnicoꝝ poiū Momoñ in ptibꝝ Lageñ iam existit &
 fideles dñi Regis d̄caz poiū Lageñ in adiutoriū Hibnicoꝝ dñi
 Regis eaꝝdem poiū Lageñ guerrare & d̄cas ptes Lageñ iuxta
 vires suas quod absit deſtruere pponit & deuastare, ab eisdem
 ptibꝝ Lageñ cum potencia sua þd̄ca melius & cicius ret̄hi possit.
 Ita qd dampnū aliquod d̄cis ptibꝝ Lageñ nec fidelibꝝ dñi Regis
 iibm deceō minime ppet̄ret; de eoꝝ auisamento ibidem
 adūtenciu dampna & deſtruccōes que d̄cus Murgh cum d̄ca
 potencia sua in d̄cis ptibꝝ Lageñ abeq resistencia aliqua lenit̄
 faet si morā ul̄iorē ibidē t̄heret Concordatū est & ordinatū
 qd idem Murgh heat centū marcas sub tali condicōe videt qd
 ipe cū potencia sua þd̄ca a d̄cis ptibꝝ Lageñ ad ptes suas p̄prias
 abeq dampno aliquo d̄cis ptibꝝ Lageñ aut fidelibꝝ Regis ibidem
 nunc nec vnq̄m impos̄um p se nec suos faciend se ret̄hat
 indilate ad quod faciend idem Murgh coram þd̄cis Justic
 Cancellar Theſ & consilio tactis sacroſcis ewangelis sac̄m
 þſtitit corpale sup quo clerus magnates & cōes Com Dubliū
 Kildar Kilkenñ & Weȳ d̄cas Centum marcas nouē marcas
 exceptis ad opus ipius Murgh ex causis þd̄cis solue & de eisdem

I RICHARD II. A.D. 1377.

BE it remembered that whereas the Justiciar, chancellor, treasurer and others of the council of the lord the King in Ireland, and the prelates, magnates, nobles and commons of the King's land of Ireland, in a parliament of the said lord the King at Tristeldermot on Monday next after Ash Wednesday in the present year, summoned and held, appearing, in the said parliament among other things in due course treating and consulting how Murgh Obryen, who with a great force of Irish of the parts of Munster is now in the parts of Leinster, and meditates making war on the lieges of the lord the King in the parts of Leinster, in aid of the Irish of the said lord the King, of the said parts of Leinster, and destroying and devastating the said parts of Leinster to the best of his power (the which be averted !), might best and most speedily be put back, with his said force, from the said parts of Leinster; so that henceforth as little injury as possible might be inflicted on the said parts of Leinster and on the lieges of the lord the King there. With the advice of those there, considering the losses and destructions which the said Murgh with his said force could easily inflict on the said parts of Leinster, without any resistance, should he stay there longer, it is agreed and ordained that the said Murgh have one hundred marks on this condition—namely, that he withdraw without delay with his said force from the said parts of Leinster to his own parts, without any injury to the said parts of Leinster or the lieges of the King there; now or ever hereafter by himself or his [followers] to be inflicted; for doing which, the said Murgh before the said Justiciar, chancellor, treasurer and council, took his corporal oath on the Holy Gospels; whereupon the clergy, magnates and communities of the counties of Dublin, Kildare, Kilkenny and Wexford freely granted the said one hundred marks (save nine marks) to be paid to the use of the said Murgh for the reasons aforesaid, and of the said clergy

Murgh Obryen
subsidised, on
condition of
withdrawing
from Leinster.

clero & cōibȝ leuari g^utant¹ concesserunt vidēt de clero Dublin
 dioȝ xii marȝ de clero Darenȝ dioȝ vi marȝ De clero Ossȝ
 dioȝ Cii solid iiiid De clero fferneȝ dioȝ vi marȝ De cōibȝ
 Coȝ Dubliȝ x marȝ De Ciuitate Dubliȝ iiiii marȝ De cōibȝ
 Coȝ Kildaȝ xii marȝ De cōibȝ Coȝ Kilkenȝ xi li. iii solid
 iiiii d. De cōibȝ Coȝ Weyȝ xvii marȝ & dī Insup q. dī
 Justiȝ Cancellaȝ Theȝ & consiliuȝ þdcm videntes qd sūne p
 þdcos cleruȝ & cōes þfato Murgȝ ut þdicit^r consesse ad C. marȝ
 integras nullaten^r extendebant et qd þdcus Murgȝ a d̄cis p̄tibȝ
 Lageȝ cū d̄ca potencia sua exire noluit nisi sibi de þdcis C
 marȝ iuxta concordiȝ & ordinaȝem þdcas plenaȝ fflit satisficiu
 p eisdē Justiȝ Cancellaȝ Theȝ & consiliuȝ, concordatū est qd d̄c
 ix marȝ þfato Murgȝ in psoluȝem dcaȝ C. marȝ de th̄ro dñi
 Regis solvant^r et qd b̄re de libate de d̄cis ix marȝ fiat Theȝ &
 Camaȝ de sc̄cio ad easdem ix marȝ þfato Murgȝ in forma þdc
 soluend & liband.

and communities to be levied ; namely, the clergy of the diocese of Dublin, 12 marks ; the clergy of the diocese of Kildare, 6 marks ; the clergy of the diocese of Ossory, 103*s.* 4*d.* ; the clergy of the diocese of Ferns, 6 marks ; the communities of the county of Dublin, 10 marks ; of the city of Dublin, 4 marks ; the communities of the county Kildare, 12 marks ; the communities of the county Kilkenny, £11 3*s.* 4*d.* ; the communities of the county Wexford, 17*½* marks. And moreover, the said Justiciar, chancellor, treasurer and council, seeing that the sums by the said clergy and communities, granted as aforesaid to the said Murgh, by no means amounted to clear one hundred marks, and that the said Murgh was unwilling to depart from the said parts of Leinster with his said force, unless full satisfaction of the said hundred marks, according to the agreement and ordinance aforesaid, were made him by the said Justiciar, chancellor, treasurer and council ; it is agreed that the said nine marks be paid to the said Murgh in part payment of the said hundred marks, out of the treasury of the lord the King, and that a writ of *Liberate* of the said nine marks be made to the treasurer and chamberlains of the Exchequer, for payment and delivery of the said nine marks to the said Murgh in form aforesaid.

3 RICHARD II. A.D. 1380.

PRO HIBERNIA SEQUUNTUR PETITIONES LIBERAT. IN PRESENTI PARLIAMENTO
UNA CUM RESPONSIONIBUS EISDEM IBIDEM FACTIS.¹

THERE FOLLOW PETITIONS ON BEHALF OF IRELAND DELIVERED IN THE PRESENT
PARLIAMENT, TOGETHER WITH THE ANSWERS THERE MADE TO THE SAME.

Concerning the lands and benefices in Ireland of those who are not dwelling there, as well prelates, lords and ladies, as others, in some cases it seems hard to dispose of all the profits of the said lands and benefices for the carrying on of the wars there, as was heretofore ordained, and as the indenture of their *message* requires, be it ordained that such benefices and lands answer for the wars, finding men-at-arms and hobelers according to their proportion, doing also in all other points as others of their degree dwelling in the said land shall do, namely, that they be compelled to re-fence their castles and fortalices in the said land, in default of which, in that they are so ruinous, the land is greatly weakened and the marches laid waste.

All having
lands, &c., in
Ireland, to go
and reside
there.

Castles, &c., to
be repaired
and guarded.

Answer² : Because our lord the King has heard by the certificate of his faithful subjects of the land of Ireland, prelates, nobles, and commons, that the said land has been both much damaged and impoverished because many of the subjects of our said lord the King, having lands, rents, benefices, offices and other possessions in the said land, are not resident or dwelling there, but absent themselves and are out of the land, taking and drawing to themselves out of the said land the profits and revenues of the said lands, rents, possessions, benefices and offices; and some allowing the castles and fortresses belonging to them in the said parts to go to ruin and to be without guard, rule, and government, to the great danger of the said land and of the said subjects; by which causes the Irish rebels in the said land are increased and increasing and prevailing from day to day, and the said lieges are the less able to have power of opposing their malice, so that the said land is at point to be lost, to the disinheritance of our said lord the King and of his crown of England, if some speedy remedy be not hereupon ordained. It is ordained by our lord the King, with the advice and assent of the lords and nobles of his realm in this Parliament being, that all manner of men, of what state or condition they be, having there lands, rents, benefices and offices, and other possessions whatsoever, betake themselves to the said land of Ireland between this and the Nativity of St. John next coming, and henceforth reside and dwell there, to the aid and strengthening of the said faithful lieges, to guard and defend the said land against the said Irish rebels; that all those who have castles and fortresses in the said land cause them to be repaired and kept in a suitable condition, and send thereto good and safe guard, for the preservation of the said castles and fortresses, under the penalty that thereto attaches.

¹ The text, taken from *Rot. Parl. 3 Ric. II. m. 2, n. 42* is printed in *Pryane's Animadversions* (1680), p. 307.

² This portion, as to the Statute of Absentees, is found with a somewhat varying text in Carew MS. Lambeth, No. 617, p. 187. See writ 1 Hen. IV., commanding the observance of this Statute in Ireland.

And in case any of those who have lands, offices, rents, benefices, or other possessions in the said land, be for reasonable cause absent from the said land after the said feast, then for the time of their absence that they be bound to send and to find there men for defence, in their places, in defence of the said land, as necessity shall require, having regard to the quantity and to the value of the said lands, rents, offices, and other possessions. And if they do not this, that the two parts of the profits of their lands, rents, offices and possessions aforesaid be levied and employed for the guard and defence of the said land, by the advice of the justiciars and governors of the said land for the time being. Always excepting that the benefices of those who are in the service of the King, or students in universities, or out of the said land for reasonable cause, by the licence of the King under his great seal in England, shall not be taken or applied to the said guard and defence, save only the third part of the value thereof, after the ordinary and necessary charges have been deducted, according to the certificate of their ordinaries.

Further, whereas merchants, for their own profit, carry away from the land, gold and silver to make their merchandises, so that there is little or none in the said land, whereby the said liege are greatly impoverished, may it please our lord the King to ordain and grant in the said land the right of mining and coinage, that is to say, the right of mining all manner of metal and of coining gold and silver, and that each lord of the land within his lordship may have the right of mining, making plate to convert into bullion, or to make vessels and other their necessary articles, without sending or carrying it as merchandise out of the land. And hereupon to require miners and workers to put this ordinance into execution.

The King is pleased that each man have power to mine and dig within his own soil in the said land, gold, silver, and all other metals, for six years next to come, yielding to the King the ninth part, and that they make plate or piece of gold and silver which they shall so dig, and carry it to the King's mint, within the city of Dublin, taking in exchange there the King's money to the value ; saving the lordship of the King, and the fees accustomed for the said minting, so that the said piece or other bullion be not sent or carried, by way of merchandise or in any other manner, out of the said land without special leave of the King by his letters, except into England, under penalty of forfeiture thereof, if it be found, or of the value, to be paid by him who shall be attainted thereof.

Further, that the merchants of Portugal and of Lisbon may come safely into Ireland with wine and other merchandises whatsoever, and there dwell and return freely. And likewise that the merchants of Ireland may freely and without impeachment go with their merchandises to the said parts of Portugal and of Lisbon; and that of this, proclamation be made at Bristol and elsewhere in England, and in Ireland where there shall be need; and that patents and writs of our lord the King be made thereof, so many and such as shall be required, and this for the profit of the King and great relief of his land of Ireland.

Answer : The King our lord, by the advice of his council, will ordain Remedy to be provided.

4 RICHARD II. A.D. 1380.

[PATENT ROLL, 5 RICHARD II., PT. 1, ART. 242.]¹

PRELATI Cleri Magnates & Cōes ēre īre hibn [in]² pliamento īro apud Dubliū die sab̄ti in crastino aīz anno regni īri quarto sūmonito & tento compentes³ & liba voluntate in^l ceſa p ipos in saluačoem & defensionem dce ēre īre in dco pliamento concess³ quasdan puas nouas custumas p tribz annis p̄x futuř de m̄candidis & rebz subscriptis in nauibz in eadē [Pra]³ & extra eandem fram duend in singlis portubz & locis maritimis eiusdem ēre īre vbi naues aliquae a³ pisem capiend in mari īſſunt leuand & pcipiend put alias tempore dñi E. nup Regis Angl ai [īri anno regni]³ sui Angl quadragesimo ēcio concesse leuate ſſuant & recepte videt De qualt lasta alleciū tres solidi [de quolihet]³ centū pisciū magnoꝝ duodecim denarios. De quott centū pisciū puoꝝ sex denarios. De quott dolio salmonū qu [atuor solidos]³ De qualt pipa salmonū duos solidos. De quott dolio vini sex solidos & octo denarios. De qualt pipa vini tres solidos & quatuor denarios. De qualt librata Carniū bou porcoꝝ & ouiū sex denarios. De qualt Weia frumenti sex solidos & octo denarios. De qualt Weia brasei fabaꝝ pisꝝ ordū siliginis auenaꝝ & hastielli quinq solidos. De [qualt]³ Weia salis sex solidos & octo denarios. De qualt librata corioꝝ equoꝝ &uoꝝ affroꝝ ac etiam pylfell [pannorum]³ lanoꝝ ac falingaꝝ & alioꝝ m̄cimoniaꝝ quoꝝcunq sex denarios.

¹ Recited in a writ dated 16 June, appointing John Ryuars to collect customs in Ulster ports.

² Obliterated.

³ Torn.

4 RICHARD II. A.D. 1380.

THE prelates, clergy, magnates and commons of our land of Ireland, in our parliament at Dublin on Saturday in the morrow of Souls, in the fourth year of our reign summoned and held, appearing and free will, among other things by them for the safety and defence of our said land in the said parliament granted certain small new customs to be levied and taken for three years next to come, of the merchandises and commodities undermentioned, to be conveyed in ships into the said land and out of the said land, in the several ports and maritime places of our said land where any ships were for taking fish in the sea, as on another occasion in the time of the lord Edward, late King of England, our grandfather, in the forty-third [year of his reign] of England, were granted, levied and received, namely, of every last of herrings, three shillings; [of every] hundred of large fish, twelve pence; of every hundred of small fish, six pence; of every tun of salmon [four shillings;] of every pipe of salmon, two shillings; of every tun of wine, six shillings and eight pence; of every pipe of wine, three shillings and four pence; of every librate of the flesh of oxen, swine and sheep, six pence; of every wey of wheat, six shillings and eight pence; of every wey of malt, beans, pease, barley, silinginum, oats and hastiuell, five shillings; of every wey of salt, six shillings and eight pence; of every librate of the hides of horses, deer, afers and also pylfells, [cloths] of wool, and cloaks and other goods whatsoever, six pence.

Small new customs to be levied.

4 RICHARD II. A.D. 1380.

[CLOSE ROLL, 4 RICHARD II., ART. 100.]¹

þlati & Cleri fre ñre Hibn
 in pliamento ñro apud Dubliñ die sabbi in Crastino aiaþ p̄i
 þeito sūmonito & tento comparentes de eoþ coi assensu & liba
 voluntate inf' cef'a p iþos in saluac̄oem & defensiōem d̄cē t̄ re
 ñre in d̄cō pliamento ordinata & concessa concesserint quoddam
 subsidiū videlt de tempalib; & sp̄ualib; suis taxatis vnam
 decimam p anno p̄x futuþ sc̄dm taxam iam currentem et de
 quālt Carucaþ fre temporaliū suoþ non taxatoþ sex solidos &
 octo denarios p anno þd̄cō pris suis taxat & non taxatis quas
 iþi sumptib; ppriis ad mensas suas colunt & glebis eccliaþ
 omnia exceptis. Ita semp qd de bñficiis seu pris suis in toto
 vastatis nichil exigat' et qd bñficia seu fre sua in pte vastata
 iuxta ratam ptis non vastate sc̄dm taxam þd̄cam orant'.
 Neenon de quālt librata catalloþ tenenciū suoþ qui fras non
 colunt sex denarios p anno supd̄cō.

4 RICHARD II. A.D. 1380.

[CLOSE ROLL, 4 RICHARD II., ART. 116.]²

inf' cef'a in pliamento dñi
 E. nup Regis Angl aui ñri apud Kilkenñ die Jouis p̄x post
 festum Cinerū anno regni d̄cī aui ñri quadragesimo tento edita
 ac p nos in vltimo pliamento ñro apud Dubliñ tento confirmata
 statutū existat qd nullus homo hibnicus vel scotus nec aliquis
 inimicus ñr ad pfessiōem alicui^r domus religiose exempte vel
 non exempte inf' Anglicos in ðra ñra Hibn situate admittat' set
 qd gentes Anglice naþois tam de Angl qm de Hibn ad hui^r
 pfessiōem admittant' et qd temporalia iþoþ qui aliþ fecint &
 inde fūint attincti in manus ñras seisiant' in d̄cis manib; ñris
 ad voluntatem ñram moratuþ.

¹ Recited in a writ as to levying the subsidy, dated 24 Dec. addressed to the Archibishop of Dublin.

² Recited in a writ dated 24 Nov. addressed to the Abbot of St. Mary's, Dublin, commanding observance by him and his house.

4 RICHARD II. A.D. 1380.

..... The prelates and clergy of our land of Ireland appearing in our parliament, summoned and held at Dublin on Saturday in the morrow of Souls last past, of their common assent and free will, amongst other things, by them for the preservation and defence of our said land, in the said parliament ordained and granted, granted a certain subsidy, that is to say, of their temporal and spiritual possessions Subsidy which are taxed, one tenth for the year next to come, accord- granted by ing to the valuation now current, and of every carucate of clergy. prelates and land of their temporalities not taxed, six shillings and eight pence for the said year, their lands taxed and untaxed which they cultivate at their own expense for their mensals, and the glebes of churches altogether excepted. Provided always that of their benefices or lands which are completely wasted, nothing be exacted, and that their benefices or lands which are partly wasted be charged proportionately to the part not wasted, according to the said valuation. And of every librate of chattels of their tenants, who do not cultivate lands, sixpence for the year aforesaid.

4 RICHARD II. A.D. 1380.

..... Amongst other things published in a parliament of the lord Edward, late King of England, our grandfather, held at Kilkenny on the Thursday next after Ash Wednesday, in the fortieth year of the reign of our said grandfather, and confirmed by us in our last parliament held at Dublin, it was enacted that no man, Irish or Scot nor any our enemy, be admitted to the profession of any religious house, exempt or not exempt, situated among the English in our land of Ireland, but that persons of the English nation, as well of England as of Ireland, be admitted to such profession, or Scot to be admitted to and that the temporalities of those who shall do otherwise and the profession thereof be convicted, be seized into our hands, to remain in house. No Irishman or Scot to be admitted to of a religious our said hands at our pleasure.

9 RICHARD II. A.D. 1385.

[CLOSE ROLL, 9 RICHARD II., m. 1 d. ART. 3.]

p cōitatem Pre hibn } R locū nřm tenenti in Fra nřra hibn
 de non molestando } Cancellař ac Theř & Baroř de Scacio nřo
 cont* libtatem. } Pre nřre pdce necnon Justiř nřis de utroq
 banco nřo ibm cefisq ministris nřis p totam fram nřam pdčam
 vibiliř constitutis¹ supplicarunt nob̄ plati & peeres
 maiores ac cōes Pre nřre pdce in magno nřo consilio die lune
 p̄x¹ festum sc̄i Michis p̄x p̄fito apud Dublii
 celebrato vt cū ipi & eoř pddecessores de¹ aut felonias
 & contractu quoit extra dčam fram nřam seu indicio inde
 redditio libe¹ possidissent priuilegiū libtatis qđ
 contra incolas seu cōmorantes cui?it condicōis¹
 virtute břis nři cuiuscūq ante hec tempa extra Angt in dčam
 fram nřam directi execučo¹ fieri debuisset nec
 facta extitisset, velim² in ipoř libtatu uel priuilegioř pdčoř
 saluačoem¹ hui? břiū nřoř extra regnū nřm Angt
 ante hec tempa directoř vel imposčum dirigendoř vsq[ue ad] p
 p̄m nřm pliamentū in eadem Fra nřra tenend suspendere
 supsedere & eidem.² Nosq libtates [uel]¹ priuilegia pdča
 dčoř supplicanciū scđm legem & consuetudiem Pre nřre pdce
 conseruare vole[n]tes¹ illesa voř & cult vřm mandam² qđ
 virtute hui? břiū nřoř voř seu alicui vřm extra re[gn]um¹ nřm
 pdčm hucusq directoř vel imposčum dirigendoř vsq ad
 pliamentū nřm pdčm in d[ca] Fra nřra vt p̄mittit¹ tenend
 nichil attemptetis quod contra hui? libtates & priuilegia
 al .¹ infra dčam fram nřam cōmorantū¹ ere
 posset in dampnū set execucōm inde faciend .¹
 omnino supsedeatis et quīt vřm supsedeas nisi břia alia sup
 recupacōe aliqua in eadem Fra p iudiciū ibm redditū facta voř
 seu alicui vřm sint directa. T. p̄fato locū tenente apud
 Dublii xxmo die Octobř.

p petičoem de cons.

¹ Obliterated.² So in original.

9 RICHARD II. A.D. 1385.

THE King to our lieutenant in our land of Ireland, the chancellor and treasurer and barons of our Exchequer of our said land, also to our justices of both our benches there, and to the rest of our officers throughout the whole of our said land wheresoever constituted, [greeting. Whereas] the prelates and nobles, chief men and commons of our said land in our great council held at Dublin on the Monday next . . . the feast of St. Michael last past, made petition unto us that whereas they and their predecessors . . . of . . . or felony and contract whatsoever out of our said land or of judgment thereof rendered freely . . . possessed the privilege of liberty that against inhabitants or persons dwelling there of whatever condition . . . by virtue of any writ of ours whatsoever, before this time directed out of England into our said land, execution ought [not] to be made, nor having been made, should it have stood, we should be willing, for the preservation of their liberties or privileges aforesaid, to suspend, surcease and . . . [the execution] In execution of such our writs out of our kingdom of England before this time directed or hereafter to be directed, until our next parliament to be held in our said land. And we willing to preserve unhurt the aforesaid liberties [or] privileges of the said petitioners, according to the law and custom of our said land, command you and each of you that by virtue of such our writs to you or to any of you, out of our kingdom aforesaid hitherto directed or hereafter to be directed, until our said parliament in our [said] land to be held, as is aforesaid, you attempt nothing which could . . . against such liberties and privileges of any persons dwelling within our said land to their injury, but from the execution thereof to be made . . . you altogether surcease and each of you surcease, unless other writs made upon any recovery in the said land, by judgment there rendered, be directed to you or any of you.

Witness our aforesaid lieutenant at Dublin the 20th day of October.

By petition of the Council.

9 RICHARD II. A.D. 1385.

[CLOSE ROLL, 9 RICHARD II., m. 3*f*, ART. 18.]¹

Concordia
facta pro
Nuncis
v^ous partes
Anglie mit-
tendia.

PRELATS *frs* & *cōes* assemblez as counseils darrein tenuz
a Diuelyn & Kilkenny cest p̄sent an, moustreſt a eux
illeoq̄s issint assemblez p̄ le lieu tenaunt & conseil du Roy les
meschies & *fs* g^{unt} pils es qux la Pre dirland la *fr*ie du Roi &
ses poures lieges soūt en celles pties & coment & en quel
maſt ils soi p^rount eider en temps auenir ou p̄ lo^r mesmes sils
soient de poair ou en ascun auſt maſt et *sr* ceo les auuaunt ditz
ſblats *frs* & *cōes* ount responduz qils considerans le g^{unt} poair
des enemis irrois & rebeux englois si bien p̄ lo^r force p̄pre come
auſt enemys descoce & despaigne & ailloſ a eux confederes &
auxi febleſſe & poſt des engleis lieges qil ne poont en nulle
maſt lo^r mesmes eider ne recouber *sanz* effectuel aide & recouber
de lo^r *fr* liege le Roi q̄ a cest pachy ſeſon come y ſembla ſra
fait conquest de la greindre ptie de la Pre dirland p̄ quoi as
ditz counſels les ſudsitz ſblats *frs* & *cōes* oue g^{unt} delibacion &
auſt veauz & consideranz la matere ſudsitz & le conquest
appaunt si p̄ſt pmy la Pre ne poent ne ſauont autre remede
troſt ne penger ſi noñ la venue du Roi n̄re *fr* en ſa p̄pre peſone
desirranz & requeranz effectuelment de ditz lieutenaunt &
counſel qils p̄ront eſlire ſteins messaḡs p̄ mouſtrer a lo^r dit
fr liege les meschies deſſudsitz & ent p̄ſuyr daſt remede Surqoſ
as ditz counſels les ditz ſblats *frs* & *cōes* illeoq̄s adonq̄s assemblez
p̄ le lieu tenaunt entre eux p̄ſent p̄ lo^r liegeance chargez qils
deuſſent eſlire messaḡs ſufficeanz p̄ enuoier a n̄re dit *fr* le
Roi p̄ ent luy mouſtrer les meschies & pils ſudsitz & de
ſupplier *fs* humblement a ſa haut mageſte dep les auauantditz
ſblats *frs* & *cōes* qil ſoi vodra tailler en ſa p̄pre peſone de ſueer

¹ Taken from exemplification of enrolment of an agreement made by the
prelates, &c., dated 14 Jan.

9 RICHARD II. A.D. 1385.

THE prelates, lords, and commons, assembled at the councils last held at Dublin and Kilkenny in this present year, it is shown to them there so assembled, by the lieutenant and council of the King, the mischiefs and very great perils which the land of Ireland, the seignory of the King, and his poor lieges have in these parts, and how and in what manner they could help themselves in time to come, either by themselves if they should possess the power, or in any other manner; and thereupon the aforesaid prelates, lords and commons have answered, that they, considering the great power of the Irish enemies and English rebels, as well by their own strength as other enemies of Scotland and Spain and elsewhere con-federated with them, and also the weakness and poverty of the English lieges, that they are not able in any way to help themselves, nor to recover, without effectual help and recovery of their liege lord the King; that at this next season, as is likely, there will be made a conquest of the greater part of the land of Ireland; on which account at the said councils the above-said prelates, lords and commons, with great deliberation, and others viewing and considering the above said matter, and the conquest appearing so imminent upon the land, are not able Presence of nor know how to find or think of other remedy except the the King necessary in coming of the King, our lord, in his own person; desiring and Ireland. demanding effectually of the said lieutenant and council that they should choose certain messengers to show to the said liege lord the mischiefs abovesaid and to sue for remedy of them. Whereupon at the said councils, the said prelates, lords and commons there then assembled, were charged by their allegiance, by the lieutenant present among them, that they ought to choose messengers sufficient to send to our said lord the King, to show him the mischiefs and perils abovesaid and to pray very humbly to his high majesty on behalf of the aforesaid prelates, lords and commons, that he would prepare in his own person to survey and visit his said seignory, for the

¶ visiter sa dit frere en rescous & saluacion dycelle & en resistance del conquist semblable en hast affaire & en saluacion de sez poures lieges en celles pties les ditz Prelats & cōes issint p lo^r liegeance chargez ount esluz les refents piers en dieux lerceuesq; de Dyuelyn & leuesq; dossory p^r cest message faire les qux messags ount en charge de fair instance & penable diligence a nre fr le Roi q; plese a sa hautesse visif^r soñ dit poeple en lo^r ppetuel socor^r. Et en cas q; nre fr le Roi a ceo ne voille attendre q; dieux defend qadonq; ils facent instance p^r aveñ le plus graunt & plus foiable fr denglefr en la fré dirland qar come lo^r semble autre . . . ne poet la fré . . .¹ des meschies q; la dite fré eu ad an p̄sent.

9 RICHARD II. A.D. 1385.

[CLOSE ROLL, 9 RICHARD II., ART. 9.]

IN quodam magno consilio dñi Regis tento apud Dubliñ die Lune p^x post festū sc̄i Luce Ewangie anno p̄sentⁱ nobilis dñs dñs Phus de Courtenay locū tenens dñi Regis Hibn in p̄sencia plato^r Magnatū p̄cūm & cōum in dō consilio convocato^r publice & palam p̄testabat^r & dicebat qd si aliquis cuiuscūq; status seu condicōis esset qui senseret se fore g^uatū de pdō locū tenente rōne cuiuscūq; extorcōis opp̄ssionis iniuste capcōis aut imprisionamenti p ipm locū teñ vel aliqua alia de causa aut ipius manda^r qd dicent fa^rent^r aut ostenderent & ipe incontinenti illud emendaret & reformaret qui oīnes p̄testabant^r fatebant^r & dicebant se in nullo p̄missoz fore g^uatos nec rōne p̄missoz se posse de ipo in aliquo conqueri quod idem locū tenens petiit qd Cancellař Hibn p̄missa recordaret & in rotulis Cancellař Hibn posset de recordo.

¹ Obliterated.

rescue and salvation of the same, and in resistance of the conquest likely speedily to be made, and for the safety of his poor lieges in these parts. The said prelates, lords and commons, so by their allegiance charged, have elected the reverend fathers in God the archbishop of Dublin, and the bishop of Ossory, to ^{Messengers elected to ask him over.} convey this message, the which messengers have in charge to make urgency and painful diligence to our lord the King, that it may please his highness to visit his said people to their perpetual succour. And in case that our lord the King will not consent to that (which God forbid !), that then they should urge to come into the land of Ireland, the greatest and most trustworthy lord of England, because as it seems to them, ^{Failing his coming, then some great lord of England.} the land cannot otherwise the mischiefs that the said land has had this present year.

9 RICHARD II. A.D. 1385.

IN a great council of the lord the King, held at Dublin ^{Declaration by Philip de Courtenay, lieutenant of Ireland, as to persons aggrieved by him.} on Monday next after the feast of St. Luke the Evangelist in the present year, the noble lord, the lord Philip de Courtenay, lieutenant of the lord the King, of Ireland, in the presence of the prelates, magnates, chief men and commons in the said council assembled, publicly and openly made declaration and said that if there were any, of whatever state or condition, who felt that he was aggrieved by the said lieutenant by reason of any extortion, oppression, unjust seizure, or imprisonment by the said lieutenant, or by any other cause or mandate of his, they should speak, confess or show it, and he would immediately amend and remedy it ; and they all declared, confessed and said that they were aggrieved in none of the premises, nor could they, by reason of the premises, complain of him in anything ; and the said lieutenant requested that the Chancellor of Ireland should record the premises and place them of record in the rolls of the Chancery of Ireland.

12 RICHARD II. A.D. 1388.¹

[LIBER ALBUS (CORPORATION OF DUBLIN) FOL. 91.]

ITEM acordes est & assentus q toutz lez estatutz des Artificeris laborers &uauntz & vittaillers faitz en temps dez nobles pgenitours nre fr le Roy qorest en Englefre soient tenuz & gardez en la dit fr dirland & duement executz en touz pointz. Et auxint p ceo q lez lowers de tieux Artificers laborers &uauntz nount est myse en steine deu&nt ces hours ordeigne est & estable q baile p housbandrie q scieit fair charues & herces p housbandrie preigne p An xij s & le Bailly q ne scieit cella fair x s le mestre hyne vii s Charecf vi s chacer de charu vi s bercher iiiij s porcher iiiij s feime laborer able p fair payn &veise & breese vi s autre feime laborer iiiij s Dey iiiij s Graunger vi s Garceons dez Chyvaux iiiij s Coke able en so&n arte x s Botiller x s valetes Cokes du dit art xl d Mestre Mason de franc pier Mestre Carpenter de franc o&neigne ables destre mestres de lor art p le iour entier ii d & aulfs mestres dez ditz artes p le iour ii d & autres dez ditz Artes p le iour i d ob Mestres Coflours de Sclate Mestres Plastreris dez murs ii d Coflours de Stein Oflours des murs & autres labourers ables p &uir lez Artificers au&nditz p le iour i d batour dez blees de chescun ma&n des blees le fr ou Mestre a q lez blees sont a la xx buscelles & le batour un buscelle sanz autr regard ou curteisie & p couenant & chescun dez Artificers & laborers susditz pignent lez lowers susditz del fest de Seint Patrik tanq al fest de Seint Michell & del fest de Seint Michele tanq al fest de Seint Patrike chescuny en so&n degré un ob meins en le iour et ceo tantsoulement iours laborables & entiers & rien en io de festes & demy io demy sebary² sanz autre regard ou curteisie p co&uant a pdre, fauches^r dez Preez p le iour ij d & p lacre

¹ This is undated, but as it embodies portions of the Statute 12 Rich. II. (Engl.), it will have been transmitted for observance here after that date, most probably immediately after.

² So in MS. for *salary*.

12 RICHARD II. A.D. 1388.

ITEM, it is agreed and assented that all the statutes of English artificers, labourers, servants and victuallers, made in the time of the noble ancestors of our lord the King that now is, in England, be kept and observed in the said land of Ireland, and duly executed in all points.

And further, because the wages of such artificers, labourers and servants have not been settled for certain hitherto, it is ordained and established that a bailiff for husbandry, who knows how to make ploughs and harrows for husbandry, take yearly 12s.; and the bailiff who does not know how to make the same, 10s.; the master hind, 7s.; carter, 6s.; ploughman, 6s.; shepherd, 4s.; swineherd, 4s.; female labourer able to make bread, ale, and malt, 6s.; other female labourer, 4s., dairymaid, 4s.; granger, 6s.; horse-boys, 4s.; cook capable in his craft, 10s.; butler, 10s.; journeymen cooks in the said craft, 40d.; master mason of free stone, master carpenter of free work, capable of being masters of their craft, for the whole day, 2d., and other masters of the said crafts for the day, 2d., and others of the said crafts for the day, 1½d.; master heliers of slate, master plasterers of walls, 2d.; coverers of stone, builders of walls, and other labourers, capable of serving the artificers aforesaid, for the day, 1d.; thresher of corn, of every kind of corn—the lord or master to whom the corn belongs, shall have twenty bushels and the thresher one bushel, without other reward or courtesy and by agreement; and each of the artificers and labourers aforesaid shall take the wages aforesaid, from the feast of St. Patrick to the feast of St. Michael; and from the feast of St. Michael to the feast of St. Patrick, each in his degree, one half penny less in the day, and that only for whole working days, and nothing on feast days, and festivals. for a half day, half salary, without other reward or courtesy, by agreement to be taken; a mower of meadows for the day, Mowers.

Statutes of
artificers, &c.,
to be observed
in Ireland.

(See 12 Ric.

II., c. iv.)

Wages of
masons,

carpenters,

heliers, &c.

(See 25 Ed.

III., c. iii.)

Wages of
carpenters,

heliers, &c.

(See 34 Ed.

III., c. x.)

No wages on
festivals.

saunz maunger ou boire viij d' & Syour dez blees en August p' le iour j d' & en pays ou lez ditz Artifecers & laborers meyns soleient þudr auant ces hures soient ent contentiz de ceo enau*nt. Et sy null laborer ou artificer þnt riens outr lez lowers issint ordeignez en cest estatut qillez paient al Roy le trebil de ceo qiles preignent outr lez lowers au*ntditz. Et celluy q voet suer p' ñre fr' le Roy deus ceux qeient prise excessiues lowers eit la suit & la moite de ce q le Roy aua del doun le Roy & eit fr' qad fraunchise roiale autiel punissement de artifecers & laborei dem'antz deinz ss fraunchise come le Rey ad de ceux q soüt dem'ant hors de fraunchise et celly q voet suer p' le fr' eit la suit & la moite de ce qe ñra recoily del doun le fr'. Et auxint accord est q toutz lez comissions fajtz as Justic de labore's deinz la fr' soient de tout repellez & q disormes nulle tiel cõmission seit g*unte a nully.

13 RICHARD II. A.D. 1389.

[PATENT ROLL, 13 RICHARD II, ARTICLE 236.]¹

IN pliamento ñro apud Kylkenñ die vñis pñ post festū sc̄i Andree apli pñ þt̄it sūmonito & tento & postea apud villam de Trysteldermot & abinde vsq villam de Balymore & ab eadim villa de Balymore vsq villam del Naas ex ðis causis adiornat statutū sit & ordinatū qd nullus micator nec aliquis aliis cuiuscūq. fuit status seu condicōis aliquas falcones austurcos vel pcellos in fr̄a ñra hibñ eme þsumat ad eos infra eandem fr̄am ñram vel in Angl aut alibi alicui vendend sub pena forisfure falconū austurcoꝝ & pcelloꝝ sic emptoꝝ & venditoꝝ penes nos ac sub pena imprisonmenti corpoꝝ eoꝝ in hui' casu delinquenciū quousq. finem & redempcioem nobiscū fecint in hac pte.

¹ Taken from a writ dated 2nd May, directed to John Cruys and Robert Eure, appointing them to enquire concerning such as act contrary to the Statute, &c.

2d., and for the acre, without food or drink, 8d., and the reaper of corn in August for the day, 1d., and in a country Reapers, where the said artificers and labourers were accustomed to take less before the present time, that they be content therewith for the future.

And if any labourer or artificer take anything beyond the wages so ordained in this statute, that they pay to the King three times as much as they take beyond the wages aforesaid. (See 12 Ric. II., c. iv.) And that he who is willing to sue for our lord the King against those who have taken excessive wages, have the suit, and half of what the King shall have, of the King's gift; and that a lord who has such royal franchise have the punishment of artificers and labourers dwelling within his franchise, as the King has of those who dwell without a franchise, and that he who is willing to sue for the lord have the suit, and half of what shall be recovered, of the lord's gift.

Penalty for taking higher franchises to punish labourers within their franchises. (See 31 Ed. III., St. I., c. vi.)

And further, it is agreed that all commissions made to justices of labourers within the land be completely repealed, and that henceforth no such commission be granted to anyone.

13 RICHARD II. A.D. 1389.

IN our parliament summoned and held at Kilkenny on None to buy Friday next after the feast of St. Andrew the Apostle falcons, last past, and afterwards at the town of Tristeldermot, in Ireland, and thence for certain reasons adjourned to the town of Ballymore, and from the said town of Ballymore to the town of the Naas, it was enacted and ordained that no merchant nor any one else, of whatever state or condition he be, presume to buy any falcons, hawks or tercels in our land of Ireland, to sell them to any one within our said land, or in England or elsewhere, under penalty of the forfeiture to us of the falcons, hawks and tercels so bought and sold, and under penalty of imprisonment of the bodies of those who transgress in such case, until they make fine and ransom with us in this behalf.

15 RICHARD II. A.D. 1391.

[LIBER ALBUS (CORPORATION OF DUBLIN) FOL. 35.]

Statuta Anglie.

vi. c.

RICARDUS dei grā Rex Angl & ffiranc & Dns hibnie dīlcis
 & fidelibz suis locum tenenti Custodi Gubnatori sine
 Justiē īre nre hibn ac Cancellař & Thes nris eiusdem īre qui
 nunc sunt vel qui pro tempore flint saftm. Constat nob p
 inspecōem rotuloz Cancellař dñi E. rup Regis Angl ani nri
 qd Idem auus nr ad pliamentū suū apud Westm tentū die
 Mercuř post medium quadragesimam anno regni sui quarto
 decimo fieri fecit quoddam statutū in quo quidā articulus inf
 celos continet in hec vba. Item p ce qascuns visconts ont lo
 baillifs a lme des ans du gnt le Roi & ascuns saffient tant de
 lo longe demoer en lo baillie p pturement qils sont esbaudez
 de faire moultz dopissions au poeple & de male ſuer au Roy &
 au soñ poeple. Si est assentuz & establi q nul viscont demoerge
 en sa baillie outre vn an & adonqz soit autre couenable ordeigne
 en soñ lieu qad lre sufficeant en sa baile p les Chaunceller &
 Tresorer & Chief Baron del Eschequer prises a eux les chiefs
 Justices del vn bank & del autre sils soient p̄sentz, & ceo soit
 fait chescun an a lendeinayn des Almes al Eschequer. Constat
 nob eciam p inspecōem rotuloz Cancellař nre qd nos ad
 pliamentū nrm tentū apud Westm ad quindenam sc̄i Michis
 anno regni nri primo quoddam statutū fieri fecim in quo dñi

15 RICHARD II. A.D. 1391.

STATUTES OF ENGLAND.

RICHARD by the grace of God, King of England and France, and lord of Ireland, to his beloved and faithful lieutenant, custos, governor or justiciar of our land of Ireland, and to our chancellor and treasurer of the said land, who now are or who for the time shall be, greeting. It appears to us, by inspection of the rolls of Chancery of the lord Edward, late King of England, our grandfather, that our said grandfather at his Parliament held at Westminster on the Wednesday after mid-lent, in the fourteenth year of his reign, caused to be made a statute, in which is contained, among others, a certain article in these words:—

“ Item, because some sheriffs have their bailiwicks for a Recital of 14
“ term of years, of the grant of the King, and some trust so Ed. III., Stat.
“ much to their long continuance in their office by procure- L, c. vii.
“ ment, that they are emboldened to inflict many oppressions
“ on the people, and to serve the King and his people badly ;
“ it is assented and established that no sheriff remain in his
“ bailiwick beyond one year, and then that there be another Sheriff to be
“ fit person, who has sufficient land in his bailiwick, appointed yearly in the
“ in his place, by the chancellor and treasurer and chief baron Exchequer.
“ of the Exchequer, taking to themselves the chief justices of
“ the one Bench and of the other, if they be present, and that
“ this be done each year, on the morrow of Souls, at the
“ Exchequer.”

Further it appears to us, by inspection of the rolls of our Chancery, that at our Parliament held at Westminster in the quinzaine of St. Michael, in the first year of our reign, we

articuli inf' cefos continent' in hec vba. Item acorde est q' desore nulle pteccion oue clause de Volum' soit allowe deuant ascun Juge p' vitailles prisez ou achatez s' le viage ou s'vies dount la pteccion ne faite mencion naussint en plees du trespass ou dautres contractes faitz ou ppetrees puis la date de mesme la pteccion. Item ordeigne est q' null qad estee viscont dascun Counte p' vn au entier ne soit deinz le tierce an pschein ensuant eslutz ne remys en dit office du viscont si soit autre sufficeant en dit Countee des possessions & biens p' respondre au Roy & au poeple. Constat nob' eciam p' inspecçoem rotuloz eiusdm Cancellariaz nre qd nos ad pliamentu nrm apud Westm tentu die lune in octa d' sc̄i Michis anno Regni nri sexto quoddam Statutu fieri fecim' in quo quidam articulus inf' cefos continent' in hec vba, Item cont' maleftores & raptorez dñaz & filiaz nobiliū aliazq' muliez violenter & plus solito hiis diebz quasi in om̄i pte regni p̄dci invalescentes ordinatū est & statutū qd vbitūq' & quandocumq' hui' dñe filie & alie mulieres p̄dce deceō rapiant' & post h̄m' raptū h̄m' raptoribz consenserint qd tam raptorez siue rapientes q'm rapte & eož quift deceō inhililent' & inhilis sint ipo fco ad om̄em hereditatē dotem siue coniunctum feoffamentū [post mortem virorum]¹ & antecessoribz suōz h̄end vel vendicand & qd statim in hoc casu pxim' de sanguine eoždm rapientiū & raptaz cui hereditas dos siue coniunctū feoffamentū descendere refū remanere vel accedere deberet post mortē rapiensis vel rapto

Rapto.

¹ These words are in the Statute Roll.

caused to be made a statute, in which are contained, among others, certain articles in these words :—

“ Item, it is agreed that henceforth no protection, with 1 Ric. II.,
“ clause of ‘ volumus,’ be allowed before any judge, for victuals protection
“ taken or purchased upon an expedition or service of which with clause
“ the protection makes no mention, nor yet in pleas of trespass not allowed.
“ or of other contracts made or committed after the date of the
“ said protection.

“ Item, it is ordained that no one who has been 1 Ric. II.,
“ sheriff of any county for one whole year, be within the three sheriff to be
“ years next following, elected or reappointed to the said re-elected
“ office of sheriff, if there be another in the said county years.
“ sufficient in possessions and goods to answer to the King
“ and to the people.”

Further, it appears to us, by inspection of the rolls of our said Chancery, that at our Parliament held at Westminster on Monday in the octave of St. Michael, in the sixth year of our reign, we caused to be made a statute, in which is contained, among others, a certain article in these words :—

“ Item, against evildoers and ravishers of ladies and the 6 Ric. II.,
“ daughters of noblemen, and other women, who are offending after rape
“ more violently and unwontedly at the present time, as in the woman
“ every part of the said kingdom, it is ordained and enacted consents, both
“ that wheresoever and whensoever such ladies, daughters and be disabled
“ other women aforesaid are henceforth ravished, and after from taking
“ such rape consent to such ravishers, as well the ravishers or jointure.
“ or those who commit the rape, as also the women
“ ravished, and every of them, be henceforth incapacitated and
“ incapable, by the very fact, of holding or claiming any in-
“ heritance, dower or joint feoffment [after the death of their
“ husbands] and of their ancestors, and that immediately, in
“ this case, the next in blood of the said ravishers and women
“ ravished, to whom the inheritance, dower or joint feoffment
“ ought to descend, revert, remain or accrue, after the death of
“ the ravisher or woman ravished, have title directly, to wit,

hant titulu inmediata statim scit post raptu intrandi sup
 rapient vel raptam & eoz assign & pre tenentes in eiusdem
 hereditate dote seu coniuncto feoffamento & illa hereditate
 tenend, & qd [viri]¹ hm² muliez si viros huerint vel si viros non
 huerint supstites qd tunc pres vel alii de sanguine eadem
 ppinquieres decebo hant sectam psequend & sequi po‘unt & sus
 eosdem maleftores & raptiores in hac pte & illos inde qm[uis]³
 eadem mulieres post hm² raptu dcis raptoribus consenserint de
 vita & membro conuincendi et vltius concordatū est qd
 defendens in hoc casu ad duellū minime recipiatr ymmo rei
 veritas p inquisicōem prie triet. Salvis semp Regi & celiis dñis
 regni pdci de raptoribz illis si forsan conuincantr in omib;
 escaetis suis. Constat nob insup p inspecconem rotuloz eiusdem
 Cancellarū nre qd nos ad pliamentū nrm apud Westm tentū die
 lune p post festū sci hillarū anno regni nri Pcio decimo
 quoddam statutū sieri fecim² in quo quidam articulus inf cefos
 continetr in hec vba. Item p ce q moulz des gentz sont
 delaies sibien en accion roiale³ com en accion psonele p pteccion
 oue clause de Volum² p ceo q plusurs gentz sibien tielx q ne
 sont pas ables destre retenuz p guerre com autres p
 tesmoignage des goūnours des Marches, Capitayns dez
 garnesons admirax & autres pchacent diūsez pteccions oue
 clause de volum² [et]¹ oue clause de quia pfectu² est, aſs ce q
 le plee soit comencee enſus eaux p delaier mesme le plee plus q
 p le ſuice le Roÿ la ou asetz dez autres sufficeantz q ne sont
 pas empleebez poent estre trouez p ſuer le Roÿ en tiel cas &
 soeuent demoerent en pais sanz ailler a lo² dit ſuice au fs g²nt
 damage des ditz p'suantz & en destorbance de cōe droyt.
 Acorde est q nul pteccion oue la clause de pfectu² est soit
 pteccōn.

¹ In Statute Roll.

² Obliterated.

³ Reale in Statute Roll.

" immediately after the rape, to enter upon the ravisher or
 " woman ravished, and their assigns, and the tenants of the
 " land in the said inheritance, dower or joint feoffment, and to
 " hold them by inheritance. And that [the husbands] of such
 " women, if they have husbands, or if they have not husbands Husband or
 " living, then their fathers or others nearest to them in blood, next of kin
 " henceforth have suit to prosecute, and may sue the said may prosecute.
 " evil-doers and ravishers in this behalf, and have them
 " convicted of life and limb, although the said women,
 " after such rape, consented to the said ravishers. And
 " further, it is agreed that the defendant in this case be Defendant
 " not admitted to the duel, but that the truth of the matter may not have
 " be tried by inquest of the country, saving always to the
 " King and the other lords of the kingdom aforesaid in all Saving of
 " things their escheats of those ravishers, if it happen that escheata.
 " they are convicted."

Furthermore, it appears to us, by inspection of the rolls of our said Chancery that at our Parliament held at Westminster on Monday next after the feast of St. Hilary, in the thirteenth year of our reign, we caused to be made a statute in which is contained, among others, a certain article in these words :—

" Item, because many persons are delayed, as well in action 13 Ric. II.,
 " real as in personal action, by protection with clause of Stat. I, c. xvi.
 " 'volumus,' for that many persons, as well such as be not able Protection,
 " to be retained for war, as others, by testimony of Quia protect-
 " governors of the Marches, captains of garrisons, admirals urus, when
 " and others, purchase divers protections with clause of allowable.
 " 'volumus' [and] with clause of 'quia protecturus est,' after
 " plea is commenced against them, to delay the said plea
 " rather than for the service of the King, whereas enough
 " of other sufficient persons who are not impleaded, can be
 " found to serve the King in such case, and they often remain
 " in the country without going to their said service, to the very
 " great damage of the said prosecutors and in disturbance of
 " common right. It is agreed that no protection with clause of

allowe en nulle plee dount la suite soit comence deuant la date de tel pteccion, si ceo ne soit en viage en quele le Roy mesmes passe ou autre viage roial ou es messages du Roy p^r bussoignes du realme ; mes facent tielx empleezez lo^r atto^rnes p^r respondre p^r eux en tielx plees ou demoergent mesmes sils voillent ; mes nest pas lentencion de cest estatut mes q^r pteccion oue clause "quia morat^r" soit allowe en tous cas, com este fait auant sez heurs. Et hoc vob^s & cuit^r vrm significam^r, mandantes qd singulos articulos pdcos statutoz pdcoz in tra nra hibnie in Comitatibz Ciuitatibz Burgis & villis ficatoriis & aliis locis fr^r nre pdce vbi magis expediens fuit publice pcamari & teneri ac obseruari faciat. T. me ipo apud Westm^s scdo die Septemb^r anno r^s n quintodecimo.

18 RICHARD II. A.D. 1394.

[CLOSE ROLL, 18 RICHARD II., ARTICLE 41.]¹

IN quodam pliamento nro apud dubliⁿ die Martis p^r post festum scⁱ Andree Ap^li p^r p^rito s^rimonito & tento ordinatu existat qd nullus ligeus n^r cuiuscumq^r status seu condic^ronis fuit aliqua blada blaseu² panem vinu^r & uiciam sal ferru equos armaturas seu alia victualia quecumq^r alicui hibnico inf^r Anglicos ligeos n^ros non c^rmoranti det vendat mittat ducat aut accomodet sub d^rta pena in d^rca ordina^ro limitata.

¹ Taken from writ, dated 19 Dec., to the sheriff of Louth and wardens of the peace in said county, commanding them to have this ordinance proclaimed and observed.

² recte braseum.

“‘protecturus est’ be allowed in any plea, of which the suit is
 “commenced before the date of such protection, unless it be on
 “an expedition in which the King himself is travelling, or
 “other royal expedition, or on the messages of the King, for
 “the business of the realm, but that such impleaded persons
 “appoint their attorneys to answer for them in such pleas, or
 “if they will, remain themselves; but it is not the intention of Protections’
 “this statute but that protection with clause of ‘*quia moratur*, as before.
 “‘moraturus’ be allowed in all cases, as has heretofore been
 “done.”

And this we communicate to you and each of you, commanding that you cause the said several articles of the said statutes to be publicly proclaimed in our land of Ireland, in counties, cities, burghs and market towns, and other places of our said land, where it shall be most fitting, and to be kept and observed.

Above to be observed in Ireland.
 Witness myself at Westminster the second day of September in the fifteenth year of our reign.

18 RICHARD II. A.D. 1394.

IN a parliament of ours, summoned and held at Dublin on the Tuesday next after the feast of St. Andrew the Apostle last past, it was ordained that no liege subject of ours, of whatever estate or condition he be, give, sell, send, bring or lend to any Irishman, not abiding among our English lieges, any corn, malt, bread, wine, ale, salt, iron, horses, armour, or other necessaries whatsoever, under a certain penalty in the said ordinance limited.

1 HENRY IV. A.D. 1399.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 8R.]

Statutū
absencie.

HENRICUS dei grā Rex Angl & ffranc & dominus hibn locum tenenti Pre nre hibn [*]¹ Cancellař & Theſ nris ibm saltm. Cum in pliamento² dni R nup Regis Angl scđi post [con]¹questum anno regni sui fcio tento, ordinatum fuisse & concordatum qđ omes cuiuscumq; [status]¹ seu condicōis fuerint Pras redditus beneficia officia & alias possessiones quecumq; inf^a fram pdcam hentes & sus eandem fram se traherent ante festum Nativitatis sc̄i Johis Baptie tunc futur & extunc in auxilium & fortificaōem fidelium & ligeoz suoꝝ ibidem morent^r & resideant ad dc[am]¹ Pram contra rebelles hibnicos custodiend & defendend et qđ omes illi qui castra & fortalicia in [d̄ca]¹ Pra adtunc huerunt ea reparari & in statu competenti sustineri fāc, ac ibidem bonam & securam custodiam p̄ saluaōe eoꝝdem castroꝝ & fortalicioꝝ sub incumbenti piculo ponant et in casu[qd]¹ aliquis illoꝝ qui Pras officia redditus beneficia aut alias possessiones in pdca Pra harent ext^a eandem Pram post dcm festum ex r̄onabili causa absens fūit, tunc p tempore absencie sue hōies defensabiles in defensionem eiusdem Pre iuxta id quod necessitas exegit loco suo mitte & inuenire teneat^r [habito]¹ respectu ad quantitatē & valorem Pras reddituū officioꝝ & alias possessionū sup^adeoz quod si fecit tunc due ptes pficuoꝝ Pras reddituū officioꝝ & possessionū suoꝝ pdcoꝝ p auisamentū Justiō [vel]¹ Guibnatoꝝ Pre pdce qui p tempore forent leuent^r & sup custodia & defensione

¹ Obliterated.² See 3 Ric. II. (p. 476).

I HENRY IV. A.D. 1399.

STATUTE OF ABSENTEES.

HENRY by the grace of God, King of England and France, and lord of Ireland, To the Lieutenant of our land of Ireland and our Chancellor and Treasurer there, greeting. Whereas in a parliament of the lord Richard, late King of England, the second after the Conquest, held in the third year of his reign, it was ordained and agreed, that all, of whatsoever state or condition they might be, having lands, rents, benefices, offices and other possessions whatsoever within the said land, should betake themselves to the said land before the Feast of the Nativity of St. John the Baptist then next to come, and from that time, in aid and strengthening of his faithful and liege men there, should remain and reside, to guard and defend the said land against the Irish rebels, and that all those who had castles and fortalices in the said land forthwith cause them to be repaired and kept up in a fitting state, and place there good and secure guard for the safety of the said castles and fortalices under impending danger. And in case that any of those who have lands, offices, rents, benefices or other possessions in the aforesaid land should be absent without the said land after the said Feast for reasonable cause, then during the time of his absence, for the protection of the said land as necessity shall demand, that he be bound, in his stead, to send and find men able to defend, respect being had to the quantity and value of the lands, rents, offices and other possessions aforesaid ; which if he should [not] do, then that two parts of the profits of their said lands, rents, offices and possessions, by the advice of the Justiciar or Governors of the aforesaid land for the time being, be levied, and converted to the guarding and defence of the said land ; provided always that the

On default, two-thirds value to be levied for defence.

Those unable to go to provide men for defending the land.

Castles, &c., to be repaired.

lands in Ireland to go reside.

8 Ric. II. to be observed.

eiudem Pre conditanc^r; pviso semp qd Pcia ps valoris beneficioz oīm illoz qui in ſuicio regis immorant^r vel student in uniūitate aut ext^a eandem Pram ex cauſa ſonabili de licencia regia sub magno ſigillo ſuo in Angl absentes ſunt oīlibz ordinariis & necessariis ſedm c̄tificaōem ordinarioz ſuoz oīmino deductis, circa custodiam & defenſionem p̄dicas conditac^r & applicet^r put in ordinaōes p̄dca plenius continent^r. Voō mandam^r firmit^r iniungentes qd ordinaōem p̄dcam in oīmibz & ſingulis ſuis articulis quantum in voō est firmit^r & inuiolabit^r teneri & obſeruari ſač iuxta tenorem & effem eiudem quousq; aliud inde duxim^r demandand^r. T. meiō apud Westm xvii. die decemb^r anno ſi n primo.

Me⁴ qd Statutū ſiue Ordinacō de Absentibz sup quo iſta bria fundant^r eſt in albo libro hui⁹ ſc^acii¹ ad plenū & ne done null enquisiōn vide ibm.

¹ The White Book of the Exchequer in Ireland is not now extant.

third part of the value of the benefices of all those who are detained in the King's service, or are studying in a University, or without the said land for reasonable cause by royal license under his great seal in England may be absent (the ordinary and necessary charges according to the certificate of their Ordinaries being wholly deducted), be converted and applied towards the aforesaid guarding and defence, as in the aforesaid ordinance is more fully contained. We command, firmly enjoining you, that the aforesaid ordinance in all and every its articles, as much as in you lies, firmly and inviolably you cause to be held and observed, according to the tenor and effect of the same, until we shall think fit to enjoin otherwise therein. Witness myself at Westminster the 17th day of December, in the first year of our reign.

Those employed in King's service or students, &c., to contribute one-third.

Be it remembered that the statute or ordinance of Absentees, on which these writs are founded, is in full in the White Book of this Exchequer, and does not grant any inquisition. See there.

3 HENRY IV. A.D. 1402.

[PATENT ROLL 3 HENRY IV., ART. 255d.]

RE ^{Fr} le Roy Henry quart aps le conquest a son plement tenuz a Dyuelyn le Joesdy pschin aps la quinzeme de Pasq lan de soñ regne tierce deu^{nt} soñ fs ame fitz Thomas de lancastre seneschall denglefré lieuten^{nt} ñre dit Fr le Roy en Irland, desirant mult entierment q la pees les loies & les estatutz au^{nt} ces heures ordeinez deinz la Fr dirland & la boñ goßnance dycelt soient gardez & maintenuz en toutz pointz & sez foiaux liges & subgitz nurries & goßnes en quiete & tⁿquillite en tous les pties de mesme la Fr al hon^r de dieu & de saint esglise & al cõe pfit de tout le poeple de sa dit Fr p assent des prelats Countes Baroñs & aufs g^{und}es & de tout la cõe de sa dit Fr au dit plement sõmonez ordeigna & establist en mesme le plement &teins estatutz & orden^{nc}nes southeasceptz les queux il voet qils soient fermement tenuz & gardez a tous iours.

En primes est accordez & assentuz q saint esglise eit & enioise tous sez fraunchises libtees francs vsages & coustumes saunz emblemisement come ils ount eue & vse & solonc les fraunchises ordeignes & g^{un}tez p ñre Fr le Roy ou sez pgenito^s p estatutz ou ordeignances faitz en Englefré ou en Irland.

Itm accordez est & assentuz q sa dit Fr dirland eit & enioise ses libtes & fraunchises bones custumes & vsages come ad este resonablement vse deu^{nt} sez heurs.

Itm accordez est & establi q les estatutz & ordenancz faitz en vn plement tenuz a Kylkenny le Joesdy pschin aps le fest de Cendres lan du regne le Roy E. tierce siel ñr Fr le Roy

3 HENRY IV. A.D. 1402.

OUR lord King Henry, the Fourth after the Conquest, in his Parliament held at Dublin on Thursday next after the quinzaine of Easter, in the third year of his reign, before his well beloved son Thomas of Lancaster, Seneschal of England, Lieutenant of our said lord the King in Ireland, most earnestly desiring that the peace, the laws, and the statutes heretofore ordained in the land of Ireland, and the good governance of the same, may be guarded and maintained in all points, and his faithful lieges and subjects nourished and governed in quiet and tranquillity in all parts of the said land, to the honour of God and of Holy Church, and the common profit of all the people of his said land, by the assent of the Prelates, Earls, Barons and other great men, and of all the commonalty of his said land summoned to the said Parliament, ordained and established in the said Parliament certain statutes and ordinances underwritten, the which he wills to be firmly held and observed always.

Firstly, it is agreed and assented to, that Holy Church have and enjoy all her franchises, liberties, free usages and customs without impeachment, as they have had and used them, and according to the franchises ordained and granted by our lord the King or his progenitors, by statutes or ordinances made in England or in Ireland.

Also, it is agreed and assented to, that his said land of Ireland have and enjoy its liberties and franchises, good customs and usages, as has heretofore been reasonably accustomed.

Also, it is agreed and established that the statutes and ordinances made in a Parliament held at Kilkenny on Thursday next after Ash Wednesday, in the fortieth year of the reign of King Edward the Third, grandfather of our

quorest qarant deuant leoneli adonqs duc de Clarence
 & lieutenant du d . . .¹ sa dite fr^e soient tenuz gardez &
 confermes & south le gnd seal nre fr^e le . . .¹ maundez a
 tous les viscoûts dicele fr^e a pclamer & publier deinz . . .¹

Item þ ceo q les admirax & lo^r deputes deinz la dite fr^e
 accroch . . .¹ leg iurisdiccionis franchises & au^s pfits
 qapteignent a nre dit fr^e le . . .¹ Citees Burghs &
 villes sibien deinz fraunchises come dehors a gndne opp^sion
 . . .¹ fr^e & pde nre dit fr^e le Roy & encontre lestatut² fait
 en temps le Roy Richard þdecessor^r nre dit fr^e le Roy qorest en
 Eng^{tr}e en quelle estatut estoit ordeigne & establi q lez
 admirax & lo^r deputes ne deuient mellere de nule chose fait
 deinz le roialme mais soulement de chose fait s^r la meere et q^s
 tous mañes de contractz plees & quereles & de tous au^s choses
 faitz ou soudantz deinz les corps des Countees sibn p fr^e come
 p ewe & auxint wrek de meere qils soient tries terminez &
 discussies & remedies p la ley de la fr^e & nemy deuant les
 admirax no lo^r deputes ou nule au^se ordeigne est & establi q
 le dit estatut issint fait en Engle^re soit tenuz gardez &
 executz deinz la fr^e dirland en tous pointz.

Item þ ceo q le cleric del Marche prent a soñ oeps demesne
 plusieurs fees fynes & afacie les Citees fr^eies Burghs & villes p
 officio respectuando en gnd opp^sion de la cõe poeple du dite
 fr^e & encont^r les estatutz ent faitz en Englet^re en temps le
 Roy Richard secunde þdecessor^r nre fr^e le Roy qorest p quelle
 estatut ordeigne estoit q le dit cleric deust duement faire son
 office & arder tous les faux mesures saunz þndre null fyne &
 punir chescun qil . . .¹ coupable solonc son desert, ordeigne
 est & establi q le dit estatut issint fait en Engle^re soit tenuz

¹ Obliterated.

² At Westminster, 13 Ric. II., Stat. 1, cap. 5.

³ Statute at Westminster, 15 Richard II., cap. 3. Both these enactments are to be found in the Red Book of the Exchequer in Ireland, fol 22. (See p. 510).

lord the King that now is, before Leonell, then Duke of Clarence, and lieutenant of [the said lord the King] of his said land, be held observed and confirmed and under the great seal of our said lord the [King] be sent to all the sheriffs of the said land, to proclaim and publish in

Also, whereas the Admirals and their deputies in the said Statute land usurp the [privileges] jurisdictions, franchises and other 13 Ric. II., No. 1, c. v., as profits which appertain to our said lord the [King, in the] of Admirals, cities, burghs, and towns, as well within franchises as without, to be observed in Ireland.

to the great oppression [of the people of the said] land and loss of our said lord the King, and contrary to the statute made in the time of King Richard, predecessor of our said lord the King that now is, in England, in which statute it was ordained and established that the Admirals and their deputies ought not to interfere in anything done in the realm, but only in any matter done on sea, and that all manner of contracts, pleas and plaints and of all other things done or arising in the body of the counties, as well by land as by water, and also wreck of the sea should be tried, atterminded and argued, and remedied by the law of the land, and not before the Admirals or their deputies or any other, It is ordained and established that the said statute so made in England be held, observed and executed, in the land of Ireland in all points.

Also, whereas the clerk of the market takes to his own Statute use many fees, fines, and amercies cities, seigniories, burghs 13 Ric. II., No. 1, c. iv. and towns, in right of his office, to the great oppression of Duty of the the common people of the said land and contrary to the market as to statutes in those cases made in England, in the time of King clerk of the weights, &c. Richard the Second, predecessor of our lord the King that in Ireland. now is, by which statute it was ordained that the said clerk ought duly to execute his office, and burn all the false measures, without taking any fine, and punish everyone that he [finds] guilty, according to his desert, It is ordained and established that the said statute so made in England be held

gardez & executez deinz la Pre dirlande en toutz pointz. Et si le dit clerc ou son deputes face le cont're & de ceo soit atteint face fyn a Roy & pde le dit clerc soñ office.

Item accorde est & estable q̄ les tres patents de licence south le g'und seal dirland . . .¹ & g'unes desore en auant as ceux qui sont ou s'rount absentes hors de mesme la Pre soient dactuel force come les tres patents s'r ceo faitz & g'unes south le g'nde seal denglePre.

Item accorde est & estable q̄ si nult hōme nutandre entre en le Conynger dascun Fr ou nult autre deinz la dite Pre dirland & tue les Conynges deinz le dit Conynger tr̄oies eit la ptie greue sa acciōn p brief ou p bille & recoufie ses damages a x foitz & autre soit reint a la volente du Roy.

Item ordeigne est & estable q̄ nult purueor des hostelx de lieuten'nt Justice ou Cons[table]¹ de mesme la Pre q̄crest on q̄ p̄ le temps s'ra ne mesure ascune maſſe des blees p̄ les ditz hostelx sinoñ p buschelt en seal accordant al standart et si nully face a lencontre & de ceo soit atteint ou duement pue soit ouste de soñ office & autre reint a la volente du Roy.

¹ Obliterated.

observed and executed in the land of Ireland in all points. And if the said clerk or his deputies do the contrary, and thereof be convicted, that the said clerk make fine to the King, and lose his office.

Also, it is agreed and established that letters patents of Licence of licence under the great seal of Ireland [made] and granted ^{absence under} great seal of henceforth to those who are or shall be absent from the said Ireland to be ^{as valid as the} land, be of the actual force as the letters patents in this case like in made and granted under the great seal of England. ^{England.}

Also, it is agreed and established that if any man in the ^{Penalty for} night time enter into the rabbit warren of any lord or any ^{killing rabbits} at night in a other, in the said land of Ireland, and kill the rabbits found ^{at night in a} warren, that the party aggrieved have his action by writ or by bill, and recover his damages tenfold, and furthermore [that the offender be] fined at the will of the King.

Also, it is ordained and established that no purveyor of the Corn for households of the lieutenant, justice or cons[table] of the said of the land, that now is, or that for the time shall be, measure any lieutenant, manner of corn for the said households, except by the bushel ^{&c., to be} measured by sealed, according to the standard, and if any do to the contrary ^{the standard} bushel. and thereof be convicted, or it be duly proved, that he be removed from his office, and furthermore fined at the will of the King.

3 HENRY IV. A.D. 1402.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 22.]

Lestatut fait encontř les Amiralx lan le Roi Rič. xiii^{me}.¹

PUR ceo q̄ ḡunt & Cōne clamō & pleint oūt estee souuent faites deūnt cez heures & vnqore sōt de ceo q̄ les admiralles & lōr deputes teignent lōr cession̄s en diſces places deins la roialme sibien deins ff̄unchises come dehors acrochant eux plus ḡnt poair q̄ a lōr office apptient en ſiudice de n̄re fr̄ le Roi & la Cōne ley de roialme & ḡnt emblesſement dez pluso's diſses f̄unches & en deſtrucciōn & empoflissement de Cōe poeple. Accorde eſt & assentu q̄ les Admiralles et lōr deputes ne ſoi mellent desore enaūnt de nult chose fait deins la roialme mes ſoulement de chose fait s̄ la mer ſolonc ceo qad eſtée duement vſee el temps de noble Roi E. Aiel n̄re fr̄ le Roi qore eſt &c.

3 HENRY IV. A.D. 1402.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 22.]

Lestatut fait encontř les Amiralx lan le Roi Rič. qore eſt xv^{me}.¹

A LA greuouſe & ḡnde compleint de tut le Cōe fait a n̄re fr̄ le Roi en cest plement de ceo q̄ les Admiralles et lōr deputes accrochent a eux diſſes Jurisdiſſiōns ff̄unchises & pluso's autres pfitz qapteignent a n̄re fr̄ le Roi & as aultres fr̄s Citees & Burghs autres qils ne ſoleient ne ne

¹ Ordered to be observed in Ireland by Statute in a parliament held at Dublin, 8 Hen. IV. (See p. 507).

3 HENRY IV. A.D. 1402.

THE STATUTE ENACTED AGAINST ADMIRALS IN THE 13TH
YEAR OF KING RICHARD.

WHEREAS great and common clamour and complaint Jurisdiction of
have often been made before this time and still are the Admirals
made, of this, that the Admirals and their deputies hold their deputies
sessions in divers places in the realm, as well within franchises
as without, assuming to themselves greater authority than to
their office belongs, to the prejudice of our lord the King and
the common law of the realm, and the great injury of several
divers franchises, and to the destruction and impoverishment
of the common people. It is agreed and assented, that the
Admirals and their deputies henceforth interfere not in any
thing done in the realm, but only in things done on the
sea, according to what was duly accustomed in the time of
the noble King Edward, grandfather of our lord the King
that now is, &c.

3 HENRY IV. A.D. 1402.

THE STATUTE ENACTED AGAINST ADMIRALS IN THE 15TH
YEAR OF KING RICHARD THAT NOW IS.

AT the grievous and heavy complaint of all the community, Jurisdiction of
made to our lord the King in this present Parliament, the Admirals,
for that the Admirals and their deputies assume to themselves
divers jurisdictions, franchises, and many other profits which
appertain to our lord the King and to other lords, cities and

deuoroient auer de droit & a l's g^{ent} oppsioñ & empouississement de tut la Cõe de la Pre & arrerissement & pde de pfitz ñre f^r le Roi & dez plusours autres f^rs Citees & Burghs pmy tut la roialme declares Est ordeignee & estable q̄ dez tous mafis cont^{actes} plees & quereles & de tous autres choses faites ou sourdantz deinz lez corps dez Countes sibien p Pre come p ewe & auxint de Wrek de Meer la Co't de ladmiral eit null mafie de conissance poair ne Jurisdiccion mes soient toutz tiels man's cont^{actes} plees & querelles & toutz autres choses so^rdantz deins le corps dez ditz Countes sibien p Pre come p ewe come desuis, Et auxint wrek de meer t'es Pmines descus [& remedies] p lez loies de la Pre & nem^y deu^{nt} [ne p¹] ladmiral ne son lieuten^{nt} [en nule mafie] Nientmeins de mort dome ne de mahayme faitz es grosses neefs [estantz &] hoßantz en my le haut fil riſs tantsolement paraval les [pountz] de mesmes les rivres² pluis pscheins au meer & en [nul autre lieu de mesmes les riſs] eit ladmiral conissance & auxint darest de niefs [en les g^{entz} fletz p^r g^{entz}] viages de Roi & de roialme Savant au Roi tous [mafies] forfait^{es} & pfitz ent puenantz. E eit ensement Jurisdiccion s^r lez ditz [fletz durantz] lez ditz viages tant soulement sau^{nt} toutdis as f^rs Citees [& burghs lour libtees & fraunchises].

¹ The words "ne pur" are in the Eng. Stat. Roll. They are also in the MS., but appear to have been struck out.

² These words are not in the Red Book. They, as also the words in brackets, are supplied from *Statutes of the Realm* II. 79, as occurring in the English Statute Roll.

burghs, other than they were accustomed and ought to have of right, both to the great oppression and impoverishment of all the community of the land and the hinderance and loss of profits of our lord the King, and of many other lords, cities and burghs throughout the whole kingdom. It is declared, ordained and established that of all manner of contracts, pleas, and plaints, and of all other things done or arising in the bodies of the counties, as well by land as by water, and also of wreck of the sea, the court of the Admiral have no manner of cognisance, power or jurisdiction, but that all such manner of contracts, pleas and plaints, and all other things arising in the bodies of the said counties, as well by land as by water, as above, and also wreck of the sea, be tried, attermained, argued [and remedied] by the laws of the land, and not before the Admiral or his lieutenant [in any manner]. Nevertheless, that of the death of a man and of a maihem committed in large ships, [being and] hovering in the main stream of rivers [only below the bridges of the same rivers] next the sea and in [no other places of the same] rivers, have the Admiral cognisance, and also to arrest ships [in the great fleets for the great] expeditions of the King and of the kingdom, saving to the King all [manner] of forfeitures and profits arising thereout. And that he have likewise jurisdiction over the said [fleets during] the said expeditions only, saving always to the lords, cities [and burghs their liberties and franchises].

3 HENRY IV. A.D. 1402.

[PLEA ROLL. 3 HENRY IV. No. 334, m. 5*f.*]

DOMINUS Rex mandauit b̄re suum Justic̄ suis ad pl̄ita coram eo in ḡra Hibn̄ie assign̄ in hec ḡba. Henricus dei gr̄a Rex Angl̄ & ffraue & dominus Hibn̄ie Justic̄ suis ad pl̄ita coram nob̄ in ḡra Hibn̄ie tenend̄ assign̄ Salim. Quendam articulm in quodam statuto in parliamento n̄ro apud Dubliū vltimo tento inf̄ ceſa contentum edito, voſ mittim̄ pſentibꝫ inf̄clusum Mandantes qd viso articulo p̄deco illum publice pclamari ac firmiſ teſhi & obſuari faſ put continet̄ in eodem, Mandauim̄ enim vicecomiti n̄ro Com̄ Mid qd articulm p̄dem in locis eiusdem Comitatis vbi melius expedire potit puplice pclamari ac firmiſ teneri & obſuari faſ in forma p̄deca. T̄ carissimo filio n̄ro Thoma de Lancast̄ senescallo Angl̄ locum n̄rm tenente in ḡra Hibn̄ie apud Dubliū xj die Julii anno ſi n̄ p̄cio.

Articulm patet in forma que sequit̄.

Item acorde est & defendu q nul desore face nult entre en ascounz fr̄es teñz ou autres possessiouns qcuncques ne loſteignent einz en icelles a fort mayne oue a multitude de gens eainz taunte soulement en p̄sible & easie manie et si nult le face et pleint ent veigne as Justices de la pees oue al viscount del Councle ou a ascoū de eaux [les dites Justices] ou le viscount preignent ou preigne sufficeaunt poair del Counte & voisent en vois¹ a lieu ou tiel force soit fait et sils trouent ou troue ascounz q teignent tiel lieu forciblement ap̄s tiel entre fait soient prisez & misez en le pscheigne gaole ay dem̄er conuictes

¹ So in orig. : possibly for *ou roist*.

3 HENRY IV. A.D. 1402.

THE lord the King sent his writ to his Justices assigned for [holding] pleas before him in the land of Ireland, in these words.

Henry, by the grace of God, King of England and France, and lord of Ireland, to his justices assigned for holding pleas before us in our land of Ireland, greeting. We send you inclosed in these presents a certain article (among other things contained) in a certain statute made in our parliament at Dublin last held, commanding that on sight of the said article you cause the same to be publicly proclaimed and firmly held and observed, as in the same is contained, and we have commanded our sheriff in the county of Meath, that he cause the said article to be publicly proclaimed and firmly held and observed in form aforesaid, in the parts of the said county where it may be most expedient. Witness our very dear son, Thomas of Lancaster, seneschal of England, our lieutenant in our land of Ireland, at Dublin, the 11th day of July, in the third year of our reign.

The article appears in form following.

Also, it is agreed and it is forbidden that any henceforth make Against forcible entry. entry into any lands, tenements or other possessions whatsoever, nor hold themselves still in the same with a strong hand or with a number of people, but only in a peaceable and quiet way; and if any do it, and complaint thereof come to the justices of the peace, or the sheriff of the county, or any of them, that [the said justices] or the sheriff take a sufficient posse of the county, and go to the place where such force was made, and if they or he find any who hold such place by force after such entry made, that they be taken and committed to the nearest Punishment.

de record de mesmes les Justices ou vne de eux ou le viscount taunq ils eient fait fyn & raunceoms au Roy et q toutz gantz de Councle soient entendauns as ditz Justices & a chescoun de eaux & a viscount p^r aller & enforcer mesmes les Justices ou viscount p^r arrester tielux mealfaisou's s^r Payne denprisounement & de fair fyn au Roi. Et en cas q nul tiel entre soit fait a force come de suis est dit soit tenuz p^r nult sauauant au ptie autre foitz soun entre peisiblement en due forme sil ad droite.

11 HENRY IV. A.D. 1409-1410.

[RED BOOK OF THE EXCHEQUER IN IRELAND, VOL. 31].

[Sta]l tutū editū apud Dubliū in quodam pliamento corā Thoma le Botiller [pri]lore hospitat ſci Johis Jerim in hibī deputato Thome de Lancastre locū teñ hibī anno r̄r̄ hen̄ quarti undecimo.

Statutū qd [T]̄M p^r ceo qe pluso's labo'ers & ſuⁿtz du dit fr̄ [nul^f] marinari [us] aliquē labo' [ext^a] hanc [terram] abſque licen[cia]. [T]̄M p^r ceo qe pluso's labo'ers & ſuⁿtz du dit fr̄ sen alant de io' en autre pties dehors pount le housbandry & gayne de mesme la fr̄ est en poynt [d]̄l estre accordé [est]^l & assentu q nult mary^f amesne ascun labourer ou ſuⁿtz desore enauⁿtz [out]^lre le meer en lo' Nieſs bateſx ou graffans saunz licence nre fr̄ le Roy [des]^louth ſoñ g^unt ſeal

gaol, there to remain convicted of record of the said justices or one of them, or the sheriff, until they have made fine and ransoms to the King; and that all the people of the county be intentive to the said justices and every of them and to the sheriff, in going and strengthening the said justices or sheriff in arresting such evil-doers, on pain of imprisonment and of making fine to the King. And in case any such entry be made by force as aforesaid, that it be held for nought, saving at another time to the party his entry peaceably in due form, if he have right.

11 HENRY IV. A.D. 1409-1410.

A Statute made at Dublin in a parliament before Thomas le Botiller, prior of the Hospital of St. John of Jerusalem in Ireland, deputy of Thomas of Lancaster, lieutenant of Ireland, in the eleventh year of the reign of King Henry the Fourth.

LIKEWISE, forasmuch as many labourers and servants of Statute that the said land go daily into other parts abroad, whereby the husbandry and tillage of the same land is on the point of being altogether destroyed and wasted, to the ruin of the entire land, It is agreed and assented that no mariner henceforward convey any labourer or servant beyond the sea in their ships, boats or barges, without licence of our lord the King

dirland sur le forfature des d̄ces niefs batelx ou graffanez, et qy celly ou ceux qy soy sent ent greuez eiont lo^r ac̄cons deūs le meistre possesso^r des d̄ces niefs batelx ou graffans & recoder ses damages a treble. Et auxint eient mesme lac̄con deūs ladmiralx & ses deputees q̄ donent conge as d̄ces labourers & ſu^{nt}z ou eux suffrent passer outre le meer et qils & chescun de eux facent syn & raunceoñ au Roy, & qy lez Maires bailliſſes ſouſignes ſeneschalt deins villes fraunchiſes viſcountz Justices & gardeins de pees deins lo^r Countez enqe^rgent de lez pointz ſuſiditz et ceux q̄ deu^{nt} eux ou ascune de eux ſoient endittes ſoient prises & arreſtuz & liuez al pſchien Gaole ñre f^r le Roi a dem'er sanz eſtre leſſe a maynpice ou a baſſt p les offiſſes ſuſid̄ces.

(p idē statutū.)

Il est accorde & assentu q̄ nully viſcouſt deſore enau^{nt} soit fait ſinoñ p eleccioñ des C̄es des Countes doit lez d̄ces viſcouſtes ſ'roūt eſluz & ceo de lez plus vaillantz gentz cestassau deux ou treis de chescun baronie de mesme le Counte. Et q̄ les eliso's ne ſoient compellez ne deſtreignez p les Baroñs de leſchequer ñre f^r le Roy ou au^l offi^l Ministre ou cōmissioner q̄conq de eſlier ou nōmer forſq; vn tantſoulement en chescun Counte. Et q̄ nully viſcouſt soit outre vn an en ſoñ office ſinoñ qil ſoit eſlue de nouell come deu^{nt} eſt dit.

under his great seal of Ireland, upon forfeiture of the said ships, boats or barges, and that he or they who feel themselves thereby aggrieved, have their actions against the master owner of the said ships, boats or barges, and recover his damages threefold. And also have the same action against the admirals and their deputies, who give leave to the said labourers and servants, or suffer them to pass beyond the sea, and that they and every of them make fine and ransom to the King, and that the mayors, bailiffs, sovereigns and seneschals within towns [and] franchises, sheriffs, justices and wardens of the peace within their counties, make enquiry as to the points above mentioned, and that those who may be indicted before them or any of them be taken and arrested, and delivered to the nearest gaol of our lord the King, to remain without being let to mainprise or bail by the above-mentioned officers.

(By the same statute).

Item, It is agreed and assented that no sheriff henceforth be ~~Sheriffs to be~~ ^{elected by the} communities of the counties, ~~communities~~ whereof the said sheriffs shall be elected, and this by the most ^{of the} ~~of the~~ counties. sufficient men, (that is to say) two or three of each barony of the same county. And that the electors be not compelled or distressed by the Barons of the Exchequer of our lord the King or other officer, minister or commissioner whomsoever, to elect or nominate, save one only in each county. And that ^{A sheriff to be in office only one year.} no sheriff be beyond one year in his office, unless he be elected anew, as is before said.

dirland sur le forlature
qy oilly ou ceux qy soy
le mestre posseus' des d
ses damages a treble.
l'almiralx & ses deputees
fu^{nt}z ou eux suffrent p
de eux facent syn & ran
solleignes seneschalt de
& gardiens de peis de
suisalit et ceux q deuⁿt
solent prises & arrestuz
a dem'er ananz estre les
suividces.

(p idē statutū.)

Il est accorde & assen
fait sinoñ p eleccioñ
viscontes s'ront esluz &
deux ou treis de chesc
les eliso's ne soient c
leschequer ure & le R
qconq de eslier ou nō
Counte. Et q nully
sinoñ q'il soit eslue de

11 HENRY IV. A.D. 1410.

[USSHER MS. E. 1. 41. FOL. 1-4. LIBRARY, TRINITY COLLEGE,
DUBLIN.](Collated with Ussher MS. E. 3. 10 (T.C.D.) and Cotton
MS. Titus B. ix. British Museum).

A N Abridgment of such estatutes as weare established in
a Parliament houlden at Dubliñ before Sir Thomas
Butler, prior of sainte Johns Jr̄fm in Ireland, deputye to the
lord Thomas of Lancaster, sounē to y^e Kinges ma^{te} Ano Regni
Regē Henrici quarti xj^o.

[Ca. 1
Church.]¹That holy Church Inioye theire libertyes &c. vsed since the
conquest of this lande.Ca 2
Ireland.That the Comēns of this lande have their libertyes &c.
vsed since the Conqueste of this lande.Ca. 3
Dublin.That the Cittye of Dubliñ, and all other Cittyes and
Borrowes of this lande enioy their franchises &c.Ca. 4
kilkeni.Confermacon
[of] statutes.That the great Charter and the statutes made in tyme of
the Ducke of Clarence & in the tyme of Thomas of Lancaster
Lieutenante of Ireland, and all other good statutes and
resonable ordinance made in the time of anie Justice or
Levetenante of this land, be firmely houlden and keepte. And
if anie statute or ordinance be made the which be not putt in
execution or pclained heartofore, that the same be now
pclained and putt in execution.Ca. 5
Parliments.That Parlimen^t shall not be adiorned or dissolved without
resonable cause shewed in the Parliament, and by the advyse
of the Lordes and Comēns.The Governenor is pleased that the forme of adiornement
of Parlimen^t shall be keept after the man^r of
England.Ca. 6
Coigne and
liverey.The Bill requereth that no Leivetenante, Justice or Governor
of this lande nor other Greate or small of what estate or
condition he be, shall putt anie maner Coigne nor liverey¹ Obliterated.

vpone anie of the kinges leedge people, and if they doe, that they, theire favorers and Councelers be judged traytors & open Robbers of the kinge and his leedge people. And that the Justice of the kinges Bench, Justice of the Peace and whom the kinge will assigne may inquere of the offenders. And that vpone the indytment after the first capias exigente shalbe adwarded & pces continued till they be outlaid. And theire landes, tenemente, goode and chattells forfited. And y^t eury of the kinges people may levie hve and cry vpon them & take them to the kinges Gayle. And if they w^tstand arrest, that they be vsed as enemyes to the kinge and Robbers of the people. And that such as doe grewe the offenders in bodye or goods, shall not be therfor by any lawe, troubled or hindered. And also that non hencforth of what estate ore condition he be shall make herbiñage or litle vpon anie of the kinges leedge people, without redye pay or agrem^t in hand, vpone pain afore limited. And that no pardoun be granted to anye offendour against this estatute w^tou the assent of parliament or of the kinges grainde councell. And that in the same Charter expresse mention is made of Cognies, lises, and herbiñage aforsaid, or els the pardones as to those offences to be voyded in Law. And that everey Bishope in his dyosis may accuse and interdict (if need be) the offendours in anye the sayd artioles.

The Governor is pleased y^t y^e statute of Kilkenny be keept & houlden in all pyntes as to the articles of coigne,¹ and to the² herbiñage & litle the statute made in tyme of Thomas of lancast^r, lievttenant of Ireland, at Dubliñ the thirde yeare of this kinge shall be houlden and keepte.

The Bill requereth that no shereife be made but by election of to comens of the shire wherof they shalbe Sherefes. And that of the most able & wyseste men, to say, 2 or 3 of every Baronie of the same Countys. And who is made Shereffe in any other waſt, his appoyntment to be voyde. And y^t at the

Ca. 7
For elections
of shereffes.

¹ and liverye interlined in Ussher MS. No. 2.

² as for in same.

suggestion of 2 or 3 of the most able men of the same Countye, whereof the sayd Shreffes shalbe made wthout election, there shalbe a write granted by the Chanceler or keeper of the kinges great sealle, de non intromittendo, to discharge the Shreffes soe made wthout election. And that no shreffe shalbe in office aboue one yeare, nor within tow yeaeres next after. And that the Shreffes of Kildare and Carthelaghe be excepted from these Articles. That in Inquestes which shalbe befor the baronnes of the excheker to elect the Shreffes be not charged henceforth to electe, but one only for whom the will Answere.

The Governor is pleased that no Sherrife shalbe elected but one only in *anye¹* shire, & that by election, and that he shall not be aboue one yeare in his office, yf he shall not be chosen of newe.

Ca. 8
Clerke of the
market

The Bill requereth that an estatute made at Dubliñ in tyme the Lord Thomas of Lancaster in the thirde yeare of the kinge, the w^{ch} estatute doth reherse an other estatute made in Englande in tyme of kinge : R : 2 : touchinge the office of Clarke of the market may be confermed, thone & thother. And that the Clerke of the markett shall from henceforth vse his office in pson and not by deputy. And that he shall not somon before him a hole inquest out of the small burrowes that have noe market, nor great numbers of people. And that the Clarke of the market shall [not] amercie anie cominafti, countie, Baroni, Cittie, Borough or towne in cōen, but shall Amercie only offendors, accordinge to his faulfe pticularly. And that the Amerciment shalbe further affend² by oathe of vj. honest men of the Baronie wher the offendour dwelleth, & they shalbe extretid into the Excheker. And theire by paynes limited to the Clerke that shall offend this.

The Governor agreeeth to thesse requestes.

Ca. 9
Eschetor.

The Bill requereth that no officer nor Clerke of the Chancery, Excheker, or other shalbe eschetor or Clarke of the market nor

¹ Every in Ussher MS. No. 2.
² So in MS. for *affeered*.

deputye to them; nor take other pftt of the offices aforesaid, vpon paine of xx. li. to be payde to the kinge, and to be fringed from all offices for ever. And that no officer nor Clarke of the Chancery or Exchequer shall take to farme anye Landes or tenement¹ seased in the kinges hand &c.

The Governor wilbe advised.

The Bill requereth that against a pteccōn quia p pfecturus Ca. 10¹ putt forthe in enye accōn the playntif may aū that the defendant after the date of *this²* pteccōn had tyme to take his Jorney viz. three weekes and more. And if that be found, then the defendt to be putt to Answere.

The Governor is pleased y^t he that sueth such pteccōn shalbe sown³ in y^e Chancerye y y^e cause of⁴ his warrante compryssed is true befor that his pteccōn shalbe sealed. And further yf he doe make aboode within this lande vj weekes aft⁵ the date of his ptection, the ptection shalb voyde.

The Bill requereth the revocation of tres patentes granted Ca. xij. to the inhabitanſe of Colie in the Baronic of Dundalke for Colie in the freedom from cesses & subsidye. And that they shall beare barony of Dundalke. with the Comens of the Shire of Louthe in all thinges, as they have donne.

The Governor is pleased.

The Bill requereth that non shalbe compelled to appeare in Ca. xij. pp psonne before anie Justice or garden of peace at mustrs or For appara- at market dayes but wthin the shires wher they dwell or have nce, musters. Land or tenement in other Countyes, where they dwell not, and if they be affyed for theire non-appearance that the same shalbe voyde, and they discharged therof.

The Governor is pleased.

The Bill requereth that it may be inacted y^t everey lidge Ca. 13 man to the kinge, w^{ch} will goe into England or else where out Lycens of absence.

¹ The text of this chapter is in the Red Book of the Exchequer in Ireland, fol. 86.

² his in the Ussher MS. No. 2.

³ sown in MS. B. Mus. for sworn.

⁴ in in Ussher MS. No. 2.

of this lande for lerninge the lawes of the Churche of this Land, for Pilgrymadg or other wayes to psecute or attend sutes before the kinges ma^{tie} or to the courte of Rome or to sie ther landes & possessions in England or Wales or for other reasonable causes whatsoeuer, may come into y^e Chancerey in Ireland and theire make othe by himself, & other honest men y^t he doth meane to depte this lande for anie the Causes aforsd, & therupon the Chanceler shall certifie this othe by wrigg to the Baronns of the Exchequer, and that it shalbe needfull to noe pson havinge this wrigg to sive for further lycence of absence to the Governer of this lande. And that they shall not be impeached for their absence by anye the Kinges ministers vnesse it shalbe pved y^t they be absent for other cause then is befor specyfied.

The Governor will take advise.

Ca. 14
Offices.

The Bill Requereth wher false offices have bine taken by escheters & the¹ deputyes & by co^missiōns of men of no sufficiency whereby Lande^s have bine found to be houlden of the kinge wherevnto advousons of benefyces be appendant ore appu^ttenante. And hearvpon the Lands seased and the advowsons pnted vnto for that. And for remedy requere that vpon such offices henceforth noe such freehould shalbe seised, but that the offices shalbe returned or sent into the Chauncery to be seene theire by the kinges Councell whether the office be suffitient. And yf they be found then a Scirefa^c to be adwarded against the Possessiōns of the same landes to shewe wherfor the kinge ought not to be p^sent, and soe the tytle to be tryed.

The Governor is pleased savinge that no Scirefa^c shalbe awardeed as the Bill requere.

Ca. 15
Non to
be arrested
wthout
warrant.

The Bill requere that the fshalls -Shereefts Bayliff, Sariantes & other officers, nor theire deputyes shalnot from hencforth take or arreste anie man by color of there offices without shewinge sufficient warrante or warrantes, nor shall

¹ their in Ussher MS. No. 2.

take nothings of them, but there fees dwe and taxed by the lawe. And yf anye officer doe the contrarie hearvnto y^t the false p^tie greeved may have remedye by *trespas*¹ or false imprisonm^t.

The Governor is pleased.

The Bill requereth that non shalbe escheter in Ireland if he ^{Ca. 16} have not xx^l in lande or rente in fee wthin this lande of his ^{Escheter.} owne, wthout fraud or collusion. And that he shall execute his office in *pp* person & not by deputy and if anye be otherwayes made or doe otherwayes execute his office all that he doth to be voyde. And that anie grante made contrarie to this statute wth these causes (non obstante Statute) shalbe voyde.

This bill was not Answered by the Governor.

This Bill Requereth that an estatute made at Dubline in a ^{Ca. 17} pliment houlden befor the Lord Thomas of Lanchaster in the ^{Escheter.} thirde yeare of this Kinge touchinge the escheter & vsinge of his office, and another estatute rehearsed theire made in England in the tyme of Kinge E. the 3. shalbe conffirmed in all pyntes within this lande. Savinge that the Escheter henceforth shall not vse his office by deputy. And that after inquest^e taken befor them, they shall before there depture from the towne wherr the inqueste is taken Seale the Indenturs of the offices to the Jurers wthout takinge anye thinge of them therefor. And that everey of the iiii men of the Baronies that shalbe putt in these inquestes shalbe inheritable of C^o in lande or rente by the yeare at the leaste, if anye such Inheritor be wthin the Baronia, ells ther shalbe putt in those inquerors iiii the best inheritors within the Baroni. And that the Escheter shall deliver to the Sherriffes maio^r &c. viij daye before the day of ther retorne. And requereth a paine against the escheter offendinge this statute &c.

The Governor is pleased y^t the statute made before the Lord Thomas of Lancaster shalbe houlden. And y^e Escheter shall Seale the Indenturs in manor before required. And shall deli^f his warrantes viij dayes befor the

¹ *trespas* in MS. B. Mus.

returne as is required. And yf the Escheter Sease ~~and~~ freehould libertye or franchises contrarie to this ordinance he shall pay x^l to the kinge and xi^l to the ptye greeved. Savinge y^t that he may doe by his office withoutt inquirie.

The partie shall have an accōn to recōl his x^l &c.

Ca. 18
Seaser.

The Bill requereth that no seser shalbe made of ~~anye~~ possess landes tenēt franchises or liñtes contrarie to the forme of the Great Charter.

The Governor is pleased that y^o Great Chartur and all the statutes made in tyme of kinge Edwarde touchinge those articles be houlden and kept in all pyntes.

Ca. 19
repeale.

The Bill requereth that tres patente obtayned by abbotes and priors for discharge of ther beneficē appropriate from contribucon to the salariē of the potors in the pliment may be *repealed*.¹ And that the same abbote and Priors shalbe henceforth contributory &c.

The Governor wilbe advised.²

Ca. 20
Removinge
the Kings
Bench.

The Bill requereth that the cessions of the kinges bench shall not be removed out of the countye wher the same be first appoynted wthin that terme without resonable cause and y^t by advice of the Justices of both benches the kinge sciant of others of his counsell.

The Governo^r is pleased that y^o Cessions be not removed

But by advise of the kinge councell wthin that terme.

Ca. 21
For officers y^t
succor robbers
et.
rebels.

The Bill Requereth y^t yf Sherref, Senesshall, Justice or Garden of the peace doe receve or succor anye that hath burned, robbed or destroyed the kinge ledge people that the same shereffe, Señ Justice or garden of the peace shalbe adiudged as the principall felons of the same Burniges, Robberyes or desstructions and that the ptye greeved shall have his accōn against them &c.

The Govern^r is pleased that y^o comēn law and statute made in this behalfe be keptt.

¹ repealed in Ussher MS. No. 2.

² In margin of Ussher MS. No. 2 is written "[Because himself was a priour.]"

The Bill Requereth that no graine shalbe taken out of this land whyle the same is in the markete of this lande at xii^d the Ca. 22
Ladinge of
Graine.

Bushell or aboue with lycence or in other man^f vpon paine of forfecture therof & to make fyne and ransom to the kinge.

The Governo^r Answereth that in tyme of souch darth of Corne wthin this Realme he will take order by thadvise of the kinge Councell for y^e pfit and ease of the Comens.

The Bill Requereth that y^e Justices of peace in every county shalbe hencforth of the most able psons dwellinge in the same Ca. 23
Justice of
peace. Countyes and not otherwayes. And that by the election of the honest men dwellinge in the shire, and if anye co^mission be made otherways that it be voyde & repelled by write of the Chancery at the sute of anye of the Countye that will suie for the same.

The Governo^r is pleased that y^e Justices of peace be made of the most suffitient y^t dwell wthin the shire or y^t that have sufficiencie of land wthin the shire. And as to the elec^{con} his pleasure is y^t the order heartofore vsed shalbe continued.

The Bill requereneth that no Irishe man adheringe to the Enemyes shalbe suffred hencforth to passe over the sea by color Ca. 24
For staye of
those that of goinge to the scooles of Oxford Cambridge or els where. auher to enemyes. And yf anye be founde goinge out of the lande y^t *every¹* shall lawfully arrest him and bringe him to the kinges gaile together wth the Goods vpon him and found with him. And he that taketh him shall have halfe of the good^e &c. And that no denizin Irishe man shall hencforth have charter of denizin vnlesse he fynd suffitient swertye in the Chancerye before hand that he shall never after adheare to any Irish enemye in anie man^f.

The Governor is pleased as to the first article y^t noe Irishe enemye shall passe the Sea vpon the paine in y^e Bill without speciall lycence vnder the kinges greate Seale. And as to the second Article, the governor wilbe advised.

¹ man inserted here in Ussher MS. No. 2.

13 HENRY IV. A.D. 1411.

[PATENT ROLL, 13 HEN. IV., m. 7 d. ARTICLE 115.]

Breve patens
de Angl pro
statutis
contra
prouisores
irrotuland. et
proclamand.

HENRICUS dei grā Rex Angl & ffrañc & dñs hibñ
Carissimo fit suo Thome de lancastre locum tenenti
ñro in Pra ñra hibñ ac deputato suo iñm neconon Cancellař
Theř & Justiř ñris in eadem Pra, saltm. Tenores quođam
statutož tam tempore ñro q*m temporibz pgenitož ñrož
quondam Regum Angl cont* puiſores editož vob mittim* sub
sigillo ñro in forma patenti Mandantes qđ tenores illos tam in
rotulis Cancellař ñre frē pdče q*m in rotulis Cuř ñraž ibidem
de vtroq Banco irrotulari ac eos in singlīs Ciuitatibz Burgis &
villis ficatoriis ac aliis locis infra fram pdčam vbi magis
expediens fuit & necesse ex pte ñra publice pelamari ac statuta
pdča iuxta vim formam & effcm eoždem obseruari & teneri.
Ac oñes & singulos qui cont* formam statutož pdčož
attemptařint seu in aliquo attemptare psumpserint iuxta eož
definita ac iuxta formam & effcm eoždem statutož put řonabilif
fuit faciend, de tempore in tempus castigari & pun[iri]¹
fač. T. me ipo apud Westm primo die februař anno ř ñ
Ptio decimo.

Patens inde
et s* incip.

² Nostre fr le Roy de lassent & priere des grandes & la Cōe
de soñ roialme dengleſtre a soñ g*unde conseil tenuz a
Westm le lundy pschñ aþs le fest de seynt Mathev lappostre
lan de soñ roialme dengleſtre xxvij^{mo} & de ffraunce xiiij^{mo} en
amendement de soñ dit roialme & pour les leies & vsages de
soñ dit roialme maintener, si ad ordenne & estable les choses
suiseſcriptz Priflement pour ceo q monstre est a ñre fr le Roy
par greuous & clamouses plaintes des g*undes & des cōes
au*ntditz coment plusours gentz sont & ont este t̄hertz hors

¹ Obliterated.

² *Statutes of the Realm*, I. 329.

13 HENRY IV. A.D. 1411.

HENRY by the grace of God, king of England and France, and Writ patent out of England, to his most dear son Thomas of Lancaster, for enrolling and proclaiming the statutes against Provisors. lord of Ireland, to his most dear son Thomas of Lancaster, for enrolling and proclaiming the statutes against Provisors. our lieutenant in our land of Ireland and to his deputy there, and to our Chancellor, Treasurer and Justices in the said land, greeting. We send you under our seal in patent form, the tenors of certain statutes against provisors, published as well in our time as in the time of our ancestors, formerly kings of England; commanding that you cause those tenors to be enrolled, as well in the rolls of the Chancery of our said land, as in the rolls of our courts of either bench there, and them on our behalf to be publicly proclaimed in the several cities, burghs, and market towns, and other places within the said land, where it shall be most fitting and needful; and the said statutes, according to the force, form and effect of the same, to be observed and held. And all and singular who shall make attempt or in any point presume to make attempt, contrary to the form of the said statutes, that you from time to time cause to be chastised and punished, according to their deserts and according to the form and effect of the said statutes, as ought reasonably to be done. Witness myself at Westminster, the first day of February in the thirteenth year of our reign.

Our lord the King, by the assent and prayer of the great men and the commons of his realm of England, at his great Council held at Westminster on the Monday next after the feast of Saint Matthew the apostle, in the twenty-seventh year of his reign of England, and of France the fourteenth, for amendment of his said realm and for maintaining the laws and usages of his said realm, has thus ordained and established the things underwritten.

Firstly, because it is shewn to our lord the King by grievous and loud complaints of the great men and of the commons aforesaid, how that many men are and have been drawn out of the realm, to answer of Subjects suing in a foreign court for matters cognisable in

du roialme a respondre des choses dont la conisaunce appertient a la Court le Roy & auxint q̄ les iuggements renduz en mesme la Court sont empeschez en autre Court en p̄iudice & disheritesoñ ñre fr̄ le Roy & de sa Corone & de tout le poeple de soñ dit roialme & en defaisance & anientisment de la cōe leye de mesme le roialme vsee de tout temps. Sour quoi en bons delibacion oue les ḡndes & aufs du dit counseil assentuz est & accordez p̄ ñre fr̄ le Roy & les ḡndes & cōes suisditz q̄ toutz gentez de la ligeaunce le Roy de quelle condicōn quils soient queux trahent nult hors du roialme en plee dont la cognisance appertient a la Court le Roy ou des choses dont inggementz sont renduz en la Court le Roy ou qui suent en auſi Court a defaire ou empescher les iuggementz renduz en la Court le Roy, eiant iour conteinant lespace de deux moys p̄ garnissement affaire a eux en le lieu ou les possessions sont que sont en debate ou aillours ou ils aillont fr̄es ou aufs possessions p̄ les visconts ou aufs Ministres le Roy destre deūnt le Roy & soñ conseil ou en la Chauncellarie ou deūnt les Justices le Roy en sez places de lun Bank ou de lautre ou deūnt auſi Justices le Roy qui s'ront a ceo deputeez a respondre en lour ppres psonns au Roy del contempt fait en celle ptie et sils ne veignent my a dit ior en lour ppre psonne desteier a le leye, soient ils lour pcurato's atto'nez executo's notairs & mainteno's dicelz iour en aūnt mys hors de la pteccōn le Roy & leurs fr̄es biens & chateux forfaitz au Roy & soient leurs corps ou quils soient trouuez prises & emprisonnez & rentz a la voluntee le Roy, et s' ceo soit brief fait de les prendre p̄ lour corps & de seisier lours fr̄es biens & possessions en la maine le Roy. Et si retourne soit quils ne sont my trounez soient myses en exigende, & vtlagez. Purveu toutfoitz que a quelle heure quils veignent deūnt quils soient vtlagez & vuillent soy rendre a la prisone le Roy destre iustifiez p̄ la leye & resceiſſe ceo q̄ la Court le Roy agardera en celle ptie, quils soient a ceo resceiuez, la forfaiture des fr̄es biens & chateux dem'ant en sa force sils ne se rendent deins les ditz deux moys come deūnt est dit.

things, the cognisance of which belongs to the King's court, and also the King's court, or impeaching elsewhere its judgments, shall have two months' warning to answer their contempt.

that the judgments given in the said court are impeached in another court, to the prejudice and disherison of our lord the King and of his crown, and of all the people of his said realm, and in defeasance and destruction of the common law of the said realm used from all time. Whereupon on good deliberation with the great men and others of the said Council, it is assented and agreed by our lord the King and the great men and commons aforesaid, that all men of the allegiance of the King, of whatever condition they be, who draw any [person] out of the realm in a plea, the cognisance of which belongs to the court of the King, or of those things of which judgments are given in the court of the King; or who sue in another court, to defeat or impeach the judgments given in the King's court, have a day within the space of two months, by notice to be made to them in the place where the possessions are that are in dispute, or elsewhere, where they shall have lands or other possessions, by the sheriffs or other officers of the King, to be before the King and his Council, or in the Chancery, or before the Justices of the King in their Places, of the one Bench or of the other, or before other Justices of the King, who shall be hereto appointed, to answer in their proper persons to the King of the contempt done in this behalf; and if they come not on the said day in their proper person, to stand to the law, that they, their proctors, attorneys, executors, notaries, and maintainers from that day forth be put out of the King's protection, and their lands, goods, and chattels forfeited to the King, and that their bodies, wherever they be found, be taken and imprisoned and ransomed at the will of the King; and hereupon that a writ be made, to take them by their body, and to seize their lands, goods, and possessions into the hand of the King. And if it be returned that they are not found, that they be put in exigent and outlawed. Provided always that at whatever time they come, before they are outlawed, and are willing to give themselves up to the King's prison, to be justified by the law and to receive what the King's court shall award in this behalf, that they be thereto received, the forfeiture of the lands, goods, and chattels remaining in its force, if they do not give themselves up within the said two months, as is aforesaid.

On non-appearance, they shall be outlawed, forfeit lands and goods, and be imprisoned.

Appearance after two months will save outlawry, but not lands or goods.

¹ Pour nurrir amour pees & concord entre seint esglise et le Roialme & faire cesser les g^{rand}s males pils importables damages & greuances que ont este faitz & auenus en temps passe & auiendront en ap^s si la chose soit soeffre passer enau^{nt} p cause des psoneix citacion^s & aufs q^u ont passer deu^{nt} ces heures & passent cōement de iour en autre hors de la Court du Rome pmy faintes & fauves suggestions & pposicions deceiuantz le seintisme pierre le pape en contre tout pleine des psonnes du dit roialme sur cause dount la cognisance & finale discucion appertient a nre ^{Fr} le Roy & a sa Court roialle & auf^{mt} & aussi des impetracion^s & priuisions faitz en la Court de rome, des benefices & offices des esglises app^{arten}antz a la donisoñ p^{re}sentacion ou disposicioñ nre ^{Fr} le Roi & des aufs p^{ron}es laies de soñ roialme come des esglises Chapelx & aufs bnfices appropriez a Eeglises Cathedralx Collegialx Abbeys Priories Chanfies hospitalx & aufs poures maisoñs & dauts dignitez & offices & bnfices occupiez en temps passe & p^{re}sente p diñses notables psonnes du dit roialme p les queux causes & dependences dicelles les bones & auncients leyes, vsages, custums & fraunchises du dit roialme ont este & sont moult g^{rand}ement empeschez blemez & confunduz, la Corone nre ^{Fr} le Roy abeisse & sa psonne mult durement & fauxm^{nt} diffamez, les auoirs & richesse du roialme emportez les hitantz & subgiez de mesme le roialme empeschez et trobles les bnfices de seint Esglise degastez & destructz diuines f^uices hospitalitees almoignes & aufs oeures de charite sustraes & entrelessees les g^{rand}s coës & subgiez du dit roialme en corps & biens t^uailleuz & donumagez. Nostre seignour le Roy suisdit a soñ plement tenuz a Westm^a a les Oeptaues de seint hillier lan de soñ regne trent & oepotisme aiant regard a la quiete de soñ roialme le quele il desire soñainement a sustenier en t^unquillitee pees & concord gouerner solonc les leyes vsages & fraunchises de sa Fr^e & si come il est tenuz p soñ serement fait a sa

¹ *Statutes of the Realm*, I. 385.

To nourish love, peace, and concord between Holy Church and the realm, and to cause to cease the great evils, dangers, and unbearable losses and grievances that have been done and have happened in time past and will happen hereafter, if the matter be allowed to pass in the future, by reason of the personal citations and others that have passed hitherto and pass commonly from day to day out of the court of Rome, by feigned and false suggestions and proposals, deceiving the most holy father the Pope, against all manner of persons of the said realm, upon cause, the cognisance and final discussion of which belong to our lord the King and to his royal court, and otherwise, and also [by reason] of the imprecatiōnes and provisions made in the court of Rome, of the benefices and offices of the churches appertaining to the donation, presentation or disposition of our lord the King, and of other lay patrons of his realm, as of the churches, chapels, and other benefices appropriate to cathedral and collegiate churches, abbeys, priories, chantries, hospitals, and other poor houses and of other dignities and offices and benefices occupied in time past and present by divers notable persons of the said realm; by which causes and the consequences thereof the good and ancient laws, usages, customs, and liberties of the said realm have been and are very greatly impeached, injured, and confounded, the crown of our lord the King abased, and his person very hardly and falsely defamed, the possessions and riches of the realm carried away, the inhabitants and subjects of the said realm impoverished and troubled, the benefices of Holy Church wasted and destroyed, divine services, hospitalities, alms and other works of charity withdrawn and neglected, the great men, commons, and subjects of the said realm in person and goods harassed and damaged, Our lord the King aforesaid, at his parliament held at Westminster in the octaves of St. Hilary, in the thirty-eighth year of his reign, having regard to the quietness of his realm, which he wishes above all things to maintain in tranquillity, peace, and concord, to govern according to the laws, usages, and franchises of his land, and as he is bound by his oath made at his

I.

The several
enormities of
citations, and
imprecatiōnes of
benefices
obtained from
Rome.

Coronation, en aide & confort du pape qui mult souent ad este troblez p tielles semblables importunes clamours & impetracion̄s & qui y mest voluntiers couenable remedie si sa scintilee estoit sur ces choses en forme, en passant pmye les veyes de sez nobles pgenito's les queux p le temps lour currant firent étains bones p'uoianc̄es & ordenances encontre les aūntditz greuances & piles les queux ordenances & p'uoianc̄es & aussi tous les aūfs faitz en sōn temps & p espal en lan de sōn regne xxv. & xxvij. ñre ñr le Roy de lassent & exp̄sse voluntee & concord des ducs Contes Barons nobles & C̄es de sōn dit roialme & toutz aūfs queux la chose touche p bone & mure delibac̄ion & auysement approue accepte & conferme, Salve lestate des Prelates & aūfs seignours du roialme touchant la lib̄tee de leurs corps si q p force de cest estatut leurs corps ne soit pas pitz¹ aioustant a ycell ad p'feu & ordonne q̄i tous ceux qui ont impetretz p'chacez ou p'suez tielx psonelx citac̄ions & aūfs en auscun temps passe ou impetront p'chaceont ou p'suont semblables en temps auenir encontre luy ou auscuny de ses subgies & aussi tous ceux qui ont impetretz ou impetront de la d̄ce Court, deanees archidiaconees pustees ou aūfs dignitees offices Chapelx ou aūfs bnfices des esglises quelconques app̄tenantz a la collacioñ donisoñ p̄sentacioñ ou disposicioñ ñre dit ñr le Roy ou d'autre patron ley de sōn dit roialme. Et aussi toutz semblables psonnes impetrato's des Esglises Chapelx offices bnfices des esglises pensions ou rentz amortizez & appropriez as Esglises Cathedralx ou Collegialx Abbeies Priories Chanf̄ies hospitalx ou aūfs pōs maisons auant ceo q̄ tielx appropriacion̄s & amortizamenti soient cassetz & adnullez p due pcessse, ensemblalemt oue toutz ceux qui ont impetretz en mesme la Court dignitees offices hospitalx ou aūfs bnfices quelconques des esglises que sont occupiez au p̄sente p title resonable p auscuns psonnes du dit roialme

¹ So in original. The English Statute Roll reads *pris.*

coronation, in aid and comfort of the Pope, who has been very often troubled by such like importunate demands and imprecations, and who would willingly apply a suitable remedy if His Holiness were informed upon these subjects, by following along the ways of his noble ancestors, who for their time made certain good provisions and ordinances against the aforesaid grievances and dangers, which ordinances and provisions and also all the others made in his time, and particularly in the twenty-fifth and twenty-seventh years of his reign, our lord the King, by the assent and express wish and agreement of the dukes, earls, barons, nobles, and commons of his said realm, and all others whom the matter concerns, by good and mature deliberation and consultation, has approved, accepted, and confirmed; saving the estate of the prelates and other lords of the realm touching the liberty of their persons, so that by force of this statute their persons be not taken. In addition to this, he has provided and ordained that all those who have obtained, purchased or sued such personal citations, and other things in any time past, or shall impetrare, purchase, or sue the like in time to come against him or any of his subjects, and also all those who have obtained or shall impetrare from the said court deaneries, archdeaconries, provostships, or other dignities, offices, chapels, or other benefices of churches whatsoever, belonging to the collation, donation, presentation, or disposition of our said lord the King or of any other lay patron of his said realm. And also all like persons, impetrators of the churches, chapels, offices, benefices of churches, pensions or rents amortised and appropriate to cathedral or collegiate churches, abbeys, priories, chantries, hospitals, or other poor houses, before such appropriations and amortisements be voided and annulled by due process; likewise in case of all those who have obtained in the said court dignities, offices, hospitals, or other benefices whatsoever of the churches which are at the present occupied by reasonable title by any persons of the said realm, if such imprecations

Persons
impetrating or
purchasing
citations or
benefices from
the court of
Rome,

si tielx impetracions ne soient ia pleinement executz, ou impetrerouēt en ap̄s semblables bnfices p̄ quoy biudice dommages ou empeschemt ad este ou purra estre fait en ap̄s a luy ou a sez ditz subgitz en psonnes heritages possessioēs droitures ou bones quelqonqes ou a les leyes custumes usages franchises & libtées do soñ dit roialme & de sa Corone, ensembleablement oue toutz leurs maintenoēs conseillours abettoēs & aufs aidoēs & fautoēs scientm̄ tant a la suite le Roy come de la ptie ou daulē queqonq du roialme trouant plegges & seurte de p̄suer encontre eaux en celle ptie, soient toutz les ditz psones diffames & suspectes violentm̄ de tielx impetracions greuances ou p̄suitz arrestuz & prinses p̄ les visconts des lieux Justices en leurs sessions deputees Baillifs & aufs ministres le Roy & p̄ bone & sufficeante mainpris repleuissement baillie ou aufl plegge le plus brief que faire ceo purra soient ils p̄sentes au Roy ou a son conseil pour y demurrer & estoier a droit & receiuē ceo q̄ la leye lour doña et sils soient atteintz ou conuictz des auscuns des ditz choses eiant la peine compriz en lestatut fait en lan nre fr̄ le Roy xxv. quelt cōmence = Au plement sūmonez a Westm̄ &c.

Et saucuns psones diffames ou suspects des tielles impetracions psecusions greuances ou entreprisnes soient ils hors du roialme où deinz & ne purront estre attachiez ne arrestuz en leurs ppres psonnes & ne se p̄sentent deuēnt le Roy ou soñ conseil deinz les deux moys ap̄s ceo quils soient garniz es leurs lieux saucuns enaient ou aucuns des Courtes le Roy ou en les Countees ou deuēnt les Justices le Roy en leurs sessions ou auflment sufficeantm̄ p̄ respondre au Roy & a la ptie & demurrer & estoier a la leye en ceo cas deuēnt le Roy & soñ conseil soient puniz p̄ male & forme comprinse en lestatut en lan xxvij^{me} nre fr̄ le Roy que cōmence, Nostre seignour le Roy &c. et auflment sicome affaire semblera au Roy & a soñ conseil saunz faire a ausqun deux p̄ nre fr̄ le Roy aucune ḡce p̄doñ ou remission saunz assent & volunte de la ptie que se prouera estre greve & saunz faire a luy du satisfacciō en ceo cas.

are not already fully executed, or who shall hereafter impetrare like benefices, whereby prejudice, damage, or impeachment has been or may be done hereafter to him or to his said subjects in their persons, inheritances, possessions, rights, or goods whatsoever, or to the laws, customs, usages, franchises, and liberties of his said realm and of his crown; likewise in case of all their maintainers, advisers, abettors, and other assistants and favourers ^{and their abettors,} ^{and on conviction shall be punished according to the English Statute, 25 Edw. III.} ^{arrested and held to bail,} ^{and sufficient mainprise, replevin, bail, or other pledge, the shortest that can be, that they be presented to the King or to his council to abide there, and to stand to right, and to receive what the law shall give them, and if they be attainted or convicted of any of the said things, that they have the penalty contained in the statute made in the twenty-fifth year of our lord the King, which begins 'at the Parliament summoned at Westminster, &c.'}

And if any persons defamed or suspected of such impletions, prosecutions, grievances, or enterprises, be they without the realm or within, and cannot be attached or arrested in their proper persons, and do not present themselves before the King or his council within the two months after they are warned in their places, if they have any, or any of the courts of the King or in the counties, or before the justices of the King in their sessions, or in other sufficient manner, to answer to the King and to the party, and to abide and stand to the law in this case, that they be punished before the King and his council in the manner and form contained in the statute in the twenty-seventh year of our lord the King, which begins 'Our lord the King, etc.'; and otherwise as to the King and to his council shall seem fit to be done, without grace, pardon, or remission to be shown to any of them by our lord the King, without the assent and will of the party who shall prove himself to be aggrieved, and without making to him due satisfaction in this case.

II.
Suspected persons not appearing after warning to incur penalty of the English Statute, 27 Edw. III.

Item ordeigne est que nult autre subget de mesme le roialme gardant & sustenant ses ditz ordenaunces nencourge nulle forfaiture de vie ne de membre de lre hiritage ne des biens deus le Roy ne aufe psonne quelqonq, ne ne pde estat ne fauour p cause de les choses suisditz ordonnez ne luy ne sez heirs ne purront ne defont estre reprouez & diffamez ne simpeschez pour auscuns des ditz causes en auscun temps auenier. Et sauscune psonne de quele estat ou condicōn qil soit p quelqonq, mafie qe se soit attempte ou face ausqune chose a lencontre des ditz ordenaunces ou dascuns choses comprisnes deinz ycells; soit la dce psonne mesne en response en la mafie come desuis est dit, et sil soit de ceo atteint ou venu, soit mys hors de la pteccioñ le Roy & punie p forme de le dit estatut de lan xxvij^{me}.

Et sauscune psonne face malicieusement ou fauxement auscune p'suit encontre psonne quelqonq, du dit roialme p cause comprisnes en ces p'sentz ordonnances & de ceo soit dueñt atteint, soit tiel plaintif dueñt puniz al ordonnance du Roy ou de soñ counseil et nientmains face gree & lamendee a la ptie qad este greue p sa plaint, & a fin q les ditz ordonnancez & chesqun deux p' aise quiete & bn cōe soient le meulx sustenutz executz & gardez et q tous ceux que ont mesprise ou mesprendront encontre ceste ordonnance p psecutions accusacioñs denunciacioñs citacions ou pcesses faitz ou affairs hors du dit roialme ou dedeins ou autreñt contre quelqonq, psonne du roialme, soient le plus couenableñt & pmteñt mesnes a response pour resceife droit solonc leur desert, le Roy platz ducs Countes Baroñs nobles & auñes cōes Clerkes & laies sont tenuz p ceste p'sente ordonance daider conforter conseiller lun &¹ lautre & tant souuent come besoignfa & p toutz les meilleurs mafies que faire se purra de pole & de fait pour empescher tielles meffaisours & resister de fait a leur entreprinse & saunz les soeffrir habiter demurrer ne passer p leurs puissances seigno'ries fies iurisdicçions ne lieux & sont tenuz de garder & defendre lun &¹ lautre de tous

¹ English Statute Roll reads a.

Also, it is ordained that no other subject of the said realm, keeping and maintaining these said ordinances, incur any forfeiture of life or of limb, of land, inheritance, or of goods, against the King or any other person whatsoever, nor lose estate or favour by reason of the aforesaid things ordained, nor may or ought he or his heirs to be reproved, defamed, or impeached for any of the said causes in any time to come. And if any person of whatever state or condition he be, by whatever manner it may be, attempt or do anything to the contrary of the said ordinances or of any of the things contained therein, that the said person be brought to answer in the manner as is aforesaid; and if he be thereof attainted or convicted, that he be put out of the King's protection and punished by the form of the said statute of the twenty-seventh year.

And if any person maliciously or falsely make any suit against any person whatsoever of the said realm, for a cause contained in these present ordinances, and hereof be duly attainted, that such plaintiff be duly punished at the ordinance of the King or of his council, and nevertheless make satisfaction and amends to the party who has been aggrieved by his complaint. And to the end that the said ordinances and each of them may for ease, quietness, and common benefit be the better maintained, executed, and kept, and that all those who have offended or shall offend against this ordinance by prosecutions, accusations, denunciations, citations, or processes made or to be made, out of the said realm or within, or otherwise against any person of the realm, may be the more conveniently and speedily brought to answer, to receive right according to their desert, the King, prelates, dukes, earls, barons, nobles, and others, commons, clerks, and laymen are bound by this present ordinance to aid, support, and advise one another, and as often as shall be needful and by all the best means that may be, of word and of deed, to impeach such wrongdoers, and to resist by deed their endeavour, and without allowing them to dwell, abide in, or pass through their dominions, lordships, lands, jurisdictions, or places; and are bound to keep and defend one another

III.

Only offenders
specified shall
incur any for-
feiture under
this ordinance.

IV.

Punishment of
those who
sue maliciously
under this
statute.

All people to
assist in
enforcing this
ordinance.

dommages velanies & reproeues sicomme ils ferrent lours p'pres psonnes & pour lour fait & busoigne & p' tiel malefe & aussi auant come tielx p'secucions ou p'cesses fuissent faitz ou attempteze encontre eaux en espeial ou en commune.

Item¹ p' ceo qauquuns p'chaceont en la Court de Rome p'susions d'auoir Abbeis & Priories en Englebre en destruccion du roialme & de seinte religioñ Accorduz est q' chun q' p'chace tiel p'susion del Abbeie ou Priorie q' luy & sez executours & p'curato'rs qui suont & font execucioñ des tielx p'susions soient hors de la pteccioñ n're d'r le Roy & q' h'ome puisse faire de eux come des enemys n're dit d'r le Roy & de soñ roialme & celluy qui face contre tielx p'sours en corps ou en biens ou en au's possessons soit excuse deus tous gentz & p' tant ne soit iames empeschez ne greue a la suite de nully.

Come² iadis en plement de bone memorie E. Roy d'englebre aiel n're d'r le Roy qorest lan de soñ regne **xxxv** tenuz a Cardoill oie la peticioñ mys deu'nt le dit aiel & soñ conseil en le dit plement p' la Cöialte de soñ dit roialme conteinante q' come seint esglise d'englebre estoit founue en lestat de placie deinz le Roialme d'englebre p' le dit aiel & ses p'genitours & Contes Baroñs nobles & au's de soñ dit roialme & leurs auncestres pour eux & le poeple enformer de la leie dieu & pour faire hospitalitees almoignes & au's oeures de charite es lieux ou lesglises feurent fouduz p' les almes des foundo'rs lo's heirs & tous xpientz & étayns possessions tant en fees tres & rentes come en aduoesoñs qe extendont a g'ande value p' lez ditz foundours & furront assignez as platz & au's gentz de seinte esglise du dit roialme pour celle charge susteigner & nomené des possessions que feuront assignez as Erceuesques Euesques Abbes Priours religiousees & au's gentz de seinte esglise p' les Royes du dit roialme Contes Baroñs & au's g'andes de soñ roialme, mesmes les Royes Countes Baroñs & nobles come s

¹ *Statutes of the Realm*, I. 323.

² *Statutes of the Realm*, I. 316.

from all injuries, villainies, and reproofs as they would do their own persons, and for their deed and business, and in such manner and as far as such prosecutions or processes were made or attempted against them, in particular or in common.

Also, because some purchase in the court of Rome provisions to have abbeys and priories in England, to the destruction of the realm and of holy religion, it is agreed that every one who purchases such provision of abbey or priory, he and his executors and proctors who sue and make execution of such provisions, be out of the protection of our lord the King, and that men may do with them as with enemies of our said lord the King and of his realm, and that he who opposes such provisors in person or in goods, or in other possessions, be excused against all people, and never be impeached or aggrieved therefor at the suit of any person.

Whereas lately in the parliament of Edward King of England, of famous memory, grandfather of our lord the King that now is, in the thirty-fifth year of his reign, held at Carlisle, after hearing the petition put before the said grandfather and his council in the said parliament by the commonalty of his said realm, containing that whereas the holy church of England was founded in the estate of prelacy within the realm of England by the said grandfather and his ancestors, and the earls, barons, nobles, and others of his said realm and their ancestors, to instruct them and the people in the law of God and to perform hospitalities, alms, and other works of charity in the places where the churches were founded, for the souls of the founders, their heirs and all Christians, and certain possessions, as well in fees, lands, and rents as in advowsons, which amount to great value, were by the said founders assigned to the prelates and other men of holy church of the said realm, to sustain this charge, and especially in the case of possessions which were assigned to the archbishops, bishops, abbots, priors, religious and other men of holy church by the kings of the said realm, earls, barons, and other great men of his realm, the said kings, earls, barons,

Origin and
purpose of
possessions
being given to
the church.

& adwoves eussent & auoir deuissent la garde de tielx voidances
 & les p̄sentements & collacions des b̄nfices esteantz de tielx
 b̄lacies & les ditz Roys en temps passe soloient auoir la
 greindre p̄tie de leur conseilt pour la saluacion du roialme
 q̄nt ils en eurent mistier des tielx b̄lats & clerks issint
 auancez ; le pape de Rome accrochant a luy les f̄r̄ies de tielx
 possessions & b̄nfices mesmes les b̄nfices dona & ḡunta as
 alienis qui vnques ne demurreront en Engleſtre & as Cardinalx
 qui y demurrer ne purront & as auſſis siſn alienis come denizins
 auſſi sicome il eust este patroñ ou aduowe des ditz dignitez &
 b̄nfices come il ne feust de droit solonc la leye dengleſtre ; p̄ les
 queux sils feussent soeffrez, a pein dem'oit auscun b̄nfice en poi
 de temps en le dit roialme q̄il ne ſroit es mains dalieins &
 denizins p̄ vertu de tielx puisions contre la bone volonte
 & disposicioñ des foundo's de mesmes les b̄nfices & issint les
 eleccioñs des Erceueſcq̄ees Euesques & auſſis religiouseſ faudroient
 & les almoignes hospitalitees & auſſis œures de charite queux
 ſroit faitz es ditz lieux ſroitient ſuſtraetz, le dit aiel & auſſis
 laies patrons en temps de tielx voidances pderoient lours
 p̄ſentements le dit conseilt piroit & biſſeſ auſſi nombre ſerroient
 emportez hors du roialme en adnullacioñ de leſtat de ſaint
 eſglise dengleſtre & diſheretance du dit aiel & des Contes
 Barons & auſſis nobles du dit roialme & en offeneſe & deſtruccioñ
 des loies & droitureſ de ſoñ roialme & a ḡunde domunage de
 ſoñ poeple & en ſubficioñ de tout leſtat de ſoñ roialme ſuisdit
 & contre la bone disposicioñ & volonte des primiſ foundours ; de
 lassent des Contes Baroñs nobles & de toute la dite C̄ūialtee a
 leurs instances & requestes conſiderez les dommages & greuances
 ſuisditz, on le dit pleine parlement fuist ordonne q̄ les ditz
 op̄ſiſons greuances & dommages en mesme le Roialme des
 adonq̄s mes ne ſront ſoeffretz en aucune manie. Et ia monſtre
 soit a ſire f̄r̄ le Roy en cete p̄ſente Parlement tenuz a Westm̄
 a les Oeptaues de la Purificacioñ de ſire dame lan de ſoñ roialme
 dengleſtre xxv & de ffrance xii^{me} p̄ les greuouſeſ plaints de la
 toute cōe de ſoñ roialme q̄ les greuances & meschieſ ſuisditz
 ſaboundent de temps en temps au pluis ḡund dommage &

and nobles, as lords and patrons had and ought to have the guardianship of such vacancies, and the presentations and collations of the vacancies and benefices belonging to such prelacies; and the said kings in time past ^{presentations of benefices} were accustomed to have the greater part of their council, for the preservation of the realm when they had need thereof, of such prelates ^{belong to the King and nobles.}

and clerks so advanced; the Pope of Rome arrogating to himself the lordships of such possessions and benefices, gave and granted the said ^{The Pope bestowed benefices on aliens not dwelling in England.} benefices to aliens who never dwelt in England, and to Cardinals who could not dwell there, and to others as well aliens as denizens,

just as if he had been the patron or founder of the said dignities and benefices, as he was not of right, according to the law of England; whereby, if they were permitted, there would scarcely remain in a short time any

benefice in the said realm that would not be in the hands of aliens and denizens, by virtue of such provisions, contrary to the good will and disposition of the founders of the said benefices, and thus the elections of archbishops, bishops, and other religious [persons] would fail, and the alms, hospitalities and other works of charity which should be performed in the said places, would be withdrawn, the said grandfather and other lay patrons, in time of such vacancies, would lose their presentations, the said council would be lost, and goods without number would be carried away out of the realm, to the destruction of the estate of holy church of England, and disherison of the said grandfather and of the earls,

barons, and other nobles of the said realm, and in opposition to and destruction of the laws and rights of his realm, and to the great injury of his people, and in subversion of all the estate of his realm aforesaid, and contrary to the good disposition and will of the first founders.

With the assent of the earls, barons, nobles and of all the said commonalty, at their instances and requests, the injuries and grievances aforesaid having been considered, in the said full parliament, it was ordained

that the said oppressions, grievances, and injuries in the said realm from henceforth should not be suffered in any manner. And now ^{Provision against such in parliament, (England)}

be it shown to our lord the King in this present parliament held at Westminster in the octaves of the Purification of our Lady, in the 25th year of his reign of England, and the twelfth of France, by the grievous complaints of all the commonalty of his realm, that the grievances and mischiefs aforesaid do from time to time abound to the very great injury

^{35 Edw. I.}

destruacion de tout soñ roialme plus q unques ne fuerent deu^{nt}.
 cestassauoir qore de nouelt ñre saint pierre le pape p pturement
 des Clerks & auflment ad reserue & reserue de iour en autre a
 sa collacion gesflament & spalment sibien Erceueschies Eueschies
 Abbeis & Priouries come tous aufs dignitees & aufs bnfices en
 Englebre, queux sont de la vouverie des gentz de saint eaglise &
 les doun auxi bñ as alienis come as denizins & pnt de tous
 tielx bnfices les primis fruitz & aufs pluso's pfitz & g^{nde} pte
 de Tresore du roialmo si est emporte & despenduz hors du
 roialme p les p^rchaceou's des tielx g^{ces} & aussi p tielle
 resuacion priues plusours Clerks auancez en ceste roialme p
 lours vraies patrons qount tenuz lours auancements paisible-
 ment p long temps sont sodaigneñt oustez. Sur quoy le dit cõe
 ad prie ñre fr^r le Roy q de sicome le droite de la Corore
 denglebre & la leye du dit roialme sont tielx q sur meschies
 & dommages que si aueignont a soñ roialme il doit & est tenuz
 p soñ serement del accord de soñ dit poeple en soñ parlement
 ent faire remedie & leye en oustand les meschies & dommages
 qeney veignent q luy plaise de ceo ordonner remedie. Nostre
 seignour le Roy veiant les meschies & dommages suisnômes
 & aïont regarde au dit estatut fait en temps de soñ dit Aiel
 & a les causes contenuz en ycelles le quel estatut tient tous
 iours sa force & ne fuist vnques defait ne adnully en nult point
 & p tant il est tenuz p soñ ñlement de le faire garder come la
 leye de soñ roialme coment q p negligence & soeffrance ad este
 depuis attempte a cont^{rie} & aussi eiant regarde a les greueuses
 complaints a luy faites p soñ poeple es ses diñses plementz cea
 enariere tenuz; vuillant les g^{ndes} damages & meschies queux
 sont aueignuz & aueinont de iour en autre a leseglise denglebre
 p la d^e cause ent remedie ordonner, p assent de toutz les
 g^{ndes} & la Cõialte de soñ dit roialme al hono^r de dieu & p^t
 de la dite esglise denglebre & de tout soñ roialme, ad ordonne &
 establie q les f^{unkes} eleccions dercheueschies Eueschies &
 toutes aufs dignitees & benefices electiues en Englebre se
 tiegnent desore en mafie come ils feuront g^{ntez} p les
 pgenitours ñre dit fr^r le Roy & p les auncestres daufs f^s

and destruction of all his realm, more than ever were before, to wit, that now of late our holy father the Pope by procuring of clerks and otherwise, has reserved and does from day to day reserve to his collation generally and specially, as well archbishoprics, bishoprics, abbeys, and priories, as all other dignities and other benefices in England, which are

The Pope
bestows
benefices, and
reserves the
First Fruits to
himself.

of the patronage of men of holy church, and gives them as well to aliens as to denizens, and takes from all such benefices the First Fruits, and many other profits; and a great part of the treasure of the realm is thus carried away and expended out of the realm by the purchasers of such graces; and further by such reservation, many of our own clerks advanced in this realm by their true patrons, who have held their advancements for a long time in peace, are suddenly put out. Whereupon the said commonalty has prayed our lord the King that since the right of the crown of England and the law of the said realm are such, that upon the mischiefs and injuries that so happen to his realm he ought and is bound by his oath, with the consent of his said people in his parliament, to make thereof remedy and law by removing the mischiefs and injuries that thus happen, it may please him to ordain a remedy hereof.

Our lord the King, seeing the mischiefs and injuries aforementioned, and having regard to the said statute made in the time of his said grandfather, and to the causes contained in the same, which statute always keeps its force and was never repealed or annulled in any point, and in as much as he is bound by his oath to cause it to be observed as the law of his realm, although by negligence and sufferance it has been since then attempted to the contrary, and also having regard to the grievous complaints made to him by his people in his several parliaments heretofore held, willing to ordain remedy for the great injuries and mischiefs which have happened and do happen from day to day to the church of England by the said cause, by the assent of all the great men and the commonalty of his said realm, to the honour of God and profit of the said church of England and of all his realm, has ordained and established that the free elections to archbishoprics, bishoprics, and all other dignities and benefices elective in England be held henceforth in the manner as they were granted by the progenitors of our said lord the King, and

The causes
and reasons
of making this
Statute.

Elections to
bishoprics and
other dignities
to be free.

founded & q tous þ Platz & aufs gentz de saint esglise qount
 aduowesõns des quelesqonques þnfices des douns ñre Þr le Roy
 & de ses pgenito's & daul's f's & dono's p faire diuines suices &
 aufs chargez ent ordonnez, eient lo' collacions & þsentements
 þuncheñt en mañe come ils estoient feoffez p leurs dono's; et
 en cas q dauscune Erceueschie Eueschie dignitee ou autre
 qconq þnifice soit résuaciõ collaciõ ou puision fait p la
 Courte de Rome en destourbance des eleccions collacions ou
 þsentacions suisnõmes qa mesme le temps de voidance q tielx
 reseruacions collacions ou puisions deuissent þndre effect, q a
 mesme le voidance ñre Þr le Roy & ses heires eient & enioien:
 p' celt temps les collacions as Erceueschies Eueschies & auts
 dignitees electiues queux sont de sa vourie ou tielx come ses
 pgenito's auoient au'nt q frank eleccioñ fuiat g'auntee de
 sicome les eleccions feuront primes g'auntees p les pgenito's
 le Roy s' ðtaine forme & condiciõ come a demander de Roy
 congie desire & puis apñs la eleccioñ dauoir soñ assent royal
 & nemye en autre mañe; les quelles condicions nient garder la
 chose doit p resoñ resortier a sa primer nat'e et q si dascune
 maison de religioñ de aduowesõn le Roy soit tiele reseruaciõ
 puision ou collacion faite en destourbance de frank eleccioñ
 eit ñre Þr le Roy & ses heires a celt foitz la collaciõ a doner
 celle dignitee a psonne couenable, et en cas q collaciõ reser-
 uaciõ ou puision soit fait a la Courte de Rome de nulle
 esglise þuendre ou aufs þnfices qe sont de la vourie des gentz
 de sainte esglise dont le Roy est aduowe paimont inmediate q
 a mesme le temps de voidance a quelle temps la reseruaciõ
 collaciõ ou puision deuissent þndre effect come desuis est dit,
 q le Roy & sez heirs do ceo eient le þsentement ou collaciõ a celt
 foitz & issint de temps en temps a toutz les foitz q tielx gentz
 de sainte esglise þront desturbez de leur þsent ou collacions p
 tielx reseruacions collacions ou puisions come desuis est dit,
 Salut a eux la droit de leurs aduoescens & leurs þsentements
 q'aunt nulle collaciõ ou puision en la Co't de Rome ent ne soit
 faite ou q les ditz gentz de sainte esglise eussent ou vuillent
 as mesmes les þnfices þsenter ou collaciõ faire & leurs þsentees

founded by the ancestors of other lords, and that all prelates and other men of holy church who have advowsons of any benefices, of the gifts of our lord the King and of his progenitors, and other lords and donors, to perform divine services and other charges thereof ordained, have their collations and presentations freely in the manner as they were enfeoffed by their donors. And in case that reservation, collation, or provision of any archbishopric, bishopric, dignity, or other benefice whatsoever be made by the court of Rome in disturbance of the elections, collations, or presentations aforementioned, at the same time of the vacancy when such reservations, collations, or provisions should take effect, that at the said vacancie, our lord the King and his heirs have and enjoy for that time the collations to the archbishoprics, bishoprics, and other dignities elective, which are of his patronage, or such as his ancestors had, before free election was granted, seeing that elections were first granted by the progenitors of the King upon a certain form and condition, as to ask licence to elect from the King, and then after the election to have his royal assent and not in any other manner; which conditions not being observed, the matter ought reasonably to revert to its first nature. And if [in the case] of any house of religion in the King's patronage there be made such reservation, provision, or collation in disturbance of free election, that our lord the King and his heirs have the collation on that occasion, to give that dignity to a suitable person. And in case that collation, reservation, or provision be made at the Court of Rome of any church, prebend, or other benefices that are in the patronage of men of holy church, of whom the King is paramount immediate patron, at the same time of the vacancy when the reservation, collation, or provision ought to take effect as is aforesaid, that the King and his heirs have the presentation or collation thereof on that occasion; and so from time to time on all occasions that such men of holy church shall be disturbed in their presentations or collations by such reservations, collations, or provisions, as is aforesaid; saving to them the right of their advowsons and their presentations when no collation or provision be made thereof in the Court of Rome, or when the said men of holy church have [presented] or are willing to present or make collation to the said benefices, and their presentees may enjoy the effect of their collations

Collations and presentations free.

Where the Pope makes provision to a dignity, the King shall present.

So in cases of provision to Religious Houses, or to benefices of the advowson of the clergy.

Saving when no provision, or the parties themselves present.

puissent leffect de lo's collacions ou p'sentements enioier & en
 mesme le mafie eit chun autr^e & de quel condicōn quil soit
 les p'sentements ou collacions a les maisons de religiōn queux
 sont de sa vouverie & as bnfices de saint esglise queux sont
 app'rentenantz as mesmes les maisons et si tielx aduowes ne
 p'sentent point as tielx bnfices deins le dī an ap's tielx
 voidances ne leuesq; de lieu ne les doun p laps de temps deins
 vn moys ap's le dī an q; adonqes le Roy ent eit les p'sentements
 & collacions come il ad dau's de sa voverie de mesme, et en cas
 q; les p'sentees le Roy ou les p'sentees dau's patrons de sainte
 esglise ou de les lours aduowes ou ceux as queux le Roy ou
 tiellex patrons ou aduowes suisditz aillont donez bnfices
 app'rentenantz a leurs p'sentements ou collacions soient desturbetz
 p tielx puisours issint qils ne puissent auoir possession de tielx
 bnfices p vtu des p'sentements ou collacions issint a eux faitz
 ou q; ceux qui sont en possession de tielx bnfices soient
 empeschez sour lours ditz possessionis p les p'uisours adonq;
 soient les dites p'uisours lours pcurato's executo's & Notair
 attachiez p lours corps & mesnes en response & sils soient
 conuictz demoergent en prisone saunz estre lesse a mainpris
 en¹ baille ou auflment deliiez tanq; ils eient fait fyne &
 redempcioñ au Roy a sa volunta & gree a la ptie q; sentra soi
 greue & nientmains auant qils soient deliiez facent plaine
 renunciacion & troeuent sufficeante seurtee qils nattemptent
 tielx choses en temps auenier ne nulle pcessse sueront p eaux
 ne p au's deus nully en la dce Cort de Rome ne nulle part
 aillours p' nulles tielx emprisonementz ou renunciacionis ne
 nulle autr^e chose dependante deux et en cas q; tielx p'uiso's
 pcurato's executo's & Notairs ne soient trouez q; lexigend
 courge deus eux p due pcessse & q; briefs issint de p'ndre leur
 corps es quelles pties qils soient trouez aussi bien a la suite le
 Roy come a la suite la ptie & q; en le mesne temps le Roy eit
 les p'fitz des tielx bnfices issint occupiez p tielx p'uiso's

¹ English Statute Roll reads "ou."

or presentations. And in the same manner that every other lord, of whatever condition he be, have the presentations or collations to the houses of religion which are of his patronage, and to the benefices of holy church which are appurtenant to the said houses; and if such patrons do not present to such benefices within the half year after such vacancies, and the bishop of the place does not give them by lapse of time within a month after the half year, that then the King have the presentations and collations thereof, as he has of others of his own patronage. And in case that the presentees of the King or the presentees of other patrons of holy church or of their advowees, or those to whom the King or such patrons or advowees aforesaid shall have given benefices appurtenant to their presentations or collations, be disturbed by such provisors, so that they cannot have possession of such benefices by virtue of the presentations or collations so made to them, or [in case] that they who are in possession of such benefices are impeached upon their said possessions by the provisors, that then the said provisors, their proctors, executors, and notaries be attached by their bodies and brought to answer, and if they be convicted, that they remain in prison without being let to mainprise [or] bail or being otherwise delivered until they have made fine and ransom to the King at his will, and satisfaction to the party who shall feel himself aggrieved; and nevertheless before they are delivered, that they make full renunciation and find sufficient surety that they will not attempt such things in time to come, nor sue any process by themselves or others against anyone in the said court of Rome or any where else, for any such imprisonments or renunciations or any other thing connected therewith.

The penalty for disturbance by provisors.

Imprisonment on conviction.

Renunciation, and surety against future attempts.

And in case that such provisors, proctors, executors, and notaries are not found, that exigent run against them by due process, and that writs issue to take their bodies, in whatever parts they be found, as well at the suit of the King as at the suit of the party; and in the meantime that the King have the profits of such benefices so occupied by

Process of outlawry.

forsprises Abbeis Priories & aufs maisons qount colleges ou Couuent, & en tielx maisoñs eient les Colleges & Couvents les pfitz sauuent tout foitz a ñre fr^r le Roy & as aut^s fr^s leur auncien droit et eit ceste estatut lieu aussibñ des resernacions collacions & puisions faitz & g^untez en temps passe deus tous ceulx qui ne sont vnqore adeptez corporele possession des bñfices a eux g^untez p mesmes les reseruacions collacions & puisions come deus toutz aufs en temps aueigner & doit ceste estatut tenir lieu comenceant a les Oeptaues auⁿt ditz. Item¹ Come le noble Roy Edward aiel ñre fr^r le Roy qorest a soi parlement tenuz a Westmⁿ a les oepetaues de la purificacion de ñre dame, lane de soñ regne xxv fist reciter lestatut fait a Cardoill en temps soñ aiel le Roy E. fitz au Roy H. touchant lestat de seint esglise dengt, le dit aiel ñre fr^r le Roy qorest de lassent des g^undes de soñ roialme en mesme le plement tenuz le dit An xxv esteant, al hon^r de dieu & scint esglise & de tout soñ roialme ordinast & establist q frankes eleccions des Erceueschies Eueschies & tous aufs dignitees & bñfices electuies en Engleßre se tiendrent delors en mañie come ils feuront g^unteez p ses pgenitours & p les auncestres des aufs fr^s foundo^s & tous þ Platz & aufs gentz de seinte esglise qui auoient aduoescors des quellesconques bñfices de doun le Roy ou de sez pgenito^s ou daul^s fr^s & dono^s eussent fraunchement leurs collacions & þsentements & sur ceo c^taine punissement estoit ordonne en mesme lestatut q^o ceulx qui acceptent aucune dignitee ou bñfice au cont^rie du dit estatut fait a Westmⁿ le dit an xxv come deuⁿt est dit, le quell estatut ñre fr^r le Roy ad fait reciter en ceste þsente plement a la requeste de sa cõe en mesme le plement de mot en mot.

Et² outre ceo ñre dit fr^r le Roy qorest de lassent des g^undes de soñ roialme esteauntz en ceste þsente plement ad

¹ *Statutes of the Realm*, II., 69.

² English Statute Roll reads *per*.

³ *Statutes of the Realm*, II., 78.

such provisors, except abbeys, priories, and other houses which have The King shall
colleges or convent, and in such houses that the colleges and convents ^{have imme-}
have the profits, saving always to our lord the King and to the other
lords their ancient right. And that this statute have place, as well of
the reservations, collations, and provisions made and granted in time
past against all those who have not yet obtained corporal possession
of the benefices granted to them by the said reservations, collations,
and provisions, as against all others in time to come: and this statute ^{Commencement of this}
ought to hold place, beginning at the octaves aforesaid. ^{Act.}

Also whereas the noble King Edward, grandfather of our lord the King that now is, at his parliament held at Westminster in the octaves of the Purification of our Lady, in the twenty-fifth year of his reign, caused to be recited the statute made at Carlisle in the time of his grandfather, the King Edward, son to King Henry, touching the estate of holy church of England; the said grandfather of our lord the King that now is, with the assent of the great men of his realm present in the said parliament, held in the said twenty-fifth year, to the honour of God and holy church and of all his realm, ordained and established that free elections to archbishoprics, bishoprics, and all other dignities and benefices elective in England be held thenceforth in the manner as they were granted by his progenitors and by the ancestors of the other lords founders, and [that] all prelates and other men of holy church who had advowsons of any benefices, of the gift of the King or of his progenitors or of other lords and donors, should freely have their collations and presentations. And thereupon a certain punishment was ordained in the said statute for those who accept any dignity or benefice contrary to the said statute made at Westminster in the said twenty-fifth year, as is aforesaid. Which statute our lord the King has caused to be recited in this present parliament, at the request of his commons in the said parliament word by word.

And furthermore our said lord the King that now is, with the assent of the great men of his realm, being in this present parliament, has ordained ^{For all benefices void after a}

ordonne & estable q de toutz Erceueschies Eueschies & auſt dignitez & bnfices electiues & auſt bnfices de seinte esglise qe cōmencerent destre voidez de fait le xxix ior de Januer lan de regne nre dit fr le Roy Richard ſezime ou puis cu qe se voideront en temps aueigner deins le Roialme dengleſte le dit estatut fait le dit an xxv soit fermeſt tenuz p' toutz iours & mys en due execucioñ de temps en temps en toutz pointz, Et sauscun face aucune acceptacioñ dascun bnfice de seinte esglise au cont're de ceiſt estatut & ceo dueſt proene & soit depardela demoerge exily & banny hors du roialme pour tous iours & sez tress biens & chateux forſaitz au Roy et sil soit deins le roialme, soit auxint exile & banny come deu'nt est dit & encourge meſme la forſaiture & pigne ſou chymyn issint qil soit hors du roialme deins sys ſemaignes pachn ap's tielle acceptacioñ et sauscun recept aucun tielt banny veignant dep de la ou esteant deins le roialme ap's les sys ſemaignes a'untſt conuanteant de ceo, soit auxint exilie & banny & encourge tielle forſaiture come deu'nt est dit et q leurs pcurato's Notairs executo's & ſumono's eient la peine & forſaiture ſuſidces, Purveu nep'qant q tous ceulz as queux nre ſaint pierre le pape ou ſes pdeceſſo's ont p'ueue aucune Erceueschie Eueschie ou aufr dignitez ou bnfice electiues ou auſt bnfices de ſaint esglise del patronage des gentz de ſainte esglise a cause de voidance deu'nt le dit xxix iour de Januer & ent feurent en corporele possession deu'nt meſme le xxix ior eient & enioient leurs ditz Erceueschies Eueschies dignitez & bnfices peiſiblement po' leur vies nient contreſteantz les estatutz & ordonnances a'untſt. Et si le Roy enuoie p're ou en auſt maſſe a la Co't de Rome a lexcitacion dascun pſonne ou ſaucune auſt enuoie ou prie a meſme la Court p'ont q la contrie diceſte estatut soit fait touchant aucune Erceueschie Eueschie dignitez ou autre bnfice de ſainte esglise deins le dit roialme, ſi celly q face tielle excitacion ou tielle prier soit flat de ſainte esglise paie a le Roy le value de ſez tempaltees dun an et sil soit fr temporel paie au Roi le value de ſez tress & pſeſſioñs nient moebleſ dun an, et sil

and established, that as regards all archbishoprics, bishoprics, and other dignities and benefices elective, and other benefices of holy church whatsoever; that began to be vacant on the 29th day of January in the thirteenth year of the reign of our said lord the King Richard, or thereafter, or which shall become vacant in time to come within the realm of England, the said statute made in the said twenty-fifth year be always strictly kept, and put into due execution from time to time in all points. And if anyone accept any benefice of holy church contrary to this statute, and it be duly proved and he be beyond the sea, that he remain exiled and banished out of the realm for ever, and that his lands, tenements, goods, and chattels be forfeited to the King, and if he be within the realm, that he also be exiled and banished, as is aforesaid, and incur the said forfeiture, and take his way so that he be out of the realm within six weeks next after such acceptance. And if any one receive any such banished person coming from beyond the sea or being within the realm after the six weeks aforesaid, knowing thereof, that he also be exiled and banished and incur such forfeiture as is aforesaid; and that their proctors, notaries, executors, and summoners have the penalty and forfeiture aforesaid. Provided nevertheless that all those to whom our holy father the Pope or his predecessors have provided any archbishopric, bishopric, or other dignity or benefice elective, or other benefices of holy church of the patronage of the men of holy church, by reason of a vacancy before the said 29th day of January, and [who] were in corporal possession thereof before the said 29th day, have and enjoy their said archbishoprics, bishoprics, dignities, and benefices peaceably for their lives, notwithstanding the statutes and ordinances aforesaid. And if the King send by letter or in other manner to the court of Rome at the instigation of any person, or if any other send or make prayer to the said Court, whereby anything is done contrary to this statute touching any archbishopric, bishopric, dignity, or other benefice of holy church within the said realm, if he who so instigates or makes such prayer be a prelate of holy church, that he pay to the King the value of his temporalities of one year, and if he be a temporal lord that he pay to the King the value of his lands and immovable possessions of one year, and if he be another

If any accept
of a benefice
contrary to
said Statute,
he shall be
banished the
realm.

Punishment of
receivers,
proctors, &c.,
of offenders.

Beneficed
persons to
whom the Pope
had previously
given dignities
excepted.

Penalty of
suing to the
court of Rome
to infringe the
purport of this
Statute.

soit autē psone destat plus baas paie a Roi le value del bnfice pur quele tielle priere soit fait & eit la prisone dun an. Et est lentencion dicest estatut q de tous dignitees & bnfices de seinte esglise qe estoient voidez de fait le dit xxix^e iour de Januer queux sont doniez ou as quenlx soit p'ueu p lappostolt deu^{nt} mesme le xxix^e iour de Januer q ceulx as queux tielx douns ou puisions soient faitz peussent francheſt de tielx douns ou puisions suer execucion saunz offense dicest estatut purueu tous foitz q de nulle dignitee ou bnfice qestoit plaine le dit xxix^e iour de Januer nult a cause dascun doun collacion reseruacion ou puision ou dauſe g^{re}ce de lappostolt qeq^{onq} nient execute deu^{nt} le dit xxix^e iour de Januer ne sue ent execucion sur les peines contenuz en cest p^{re}sent estatut. Item ordonnez est & estable q sascun port ou enuoie deinz le roialme ou le poair nre dit Fr^r le Roy nre dit Fr^r le Roy¹ ascuns somonsons sentences ou excomengements deus ascune psone de quelle condicōn qil soit a cause de la mocioō faisant assent ou execucion du dit estatut des puisours, soit il pris & arrestuz & mys en prisone & forface toutz sez Fr^r & teñtz biens & chateux po^r toutz iours & autre encouurge la peine de vie & de membre. Et sascun flat face execucion de tielx somons sentences ou excomengements q sez temporaltees soient prinses & demoergent es mains nre dit Fr^r le Roy tanq^{ue} due redresse & correccōn ent soit faite et sauscune psone de meindre estate q flat de quel condicōn qil soit face tielle execucion soit pris & arrestuz & mys en prisone & eit lemprisonement & face fyn & raunceoō solonc la discretion du conseil nre dit Fr^r le Roy.

Item² ordonnez est & estable q si ascun puision soit fait p nre saint pierre le Pape au auscune psone de religioō ou auſe psone qeq^{onq} destre exempte dobedience reguler ou dobedience ordinarie ou dauoir ascune office ppetuelt deinz measons de religioō ou a tant come vn regulere psone religiouse ou deus

¹ Words repeated in MS.

² *Statutes of the Realm*, II., 121.

person of a lower estate that he pay to the King the value of the benefice for which such prayer be made, and be imprisoned for one year. And it is the intention of this statute that [in the case] of all dignities and benefices of holy church which were vacant on the said 29th day of January, which are given or to which provision is made by the Pope before the said 29th day of January, that they to whom such gifts or provisions be made may freely sue execution of such gifts or provisions without offending against this statute, provided always that [in the case] of any dignity or benefice which was full on the said 29th day of January, none by reason of any gift, collation, reservation, or provision, or of other grace of the Pope whatsoever, not executed before the said 29th day of January sue execution thereof, upon the penalties contained in this present statute.

*Saving as to
benefices void
on, but collated
before the day
named, but
not after.*

Also it is ordained and established that if anyone bring or send into the realm or jurisdiction of our said lord the King any summons, sentences, or excommunications against any person of whatsoever condition he be, by reason of the motion, making assent or execution of the said statute of Provisors, that he be taken and arrested and put in prison, and forfeit all his lands and tenements, goods, and chattels for ever, and further incur the penalty of life and of limb. And if any prelate make execution of such summons, sentences, or excommunications, that his temporalities be taken and remain in the hands of our said lord the King until due redress and correction be made thereof. And if any person of less estate than a prelate, of whatsoever condition he be, make such execution, that he be taken and arrested and put in prison, and remain in prison and make fine and ransom, according to the discretion of the council of our said lord the King.

Also it is ordained and established that if any provision be made by our holy father the Pope to any person of religion or any other person whatsoever, to be exempt from obedience regular or from obedience ordinary, or to have any office perpetual within houses of religion or as much as one regular religious person or two or more have therein, if such

*III.
Penalty for
bringing sum-
mons or excom-
munication
against any
for enforcing
the Statute of
Provisors.*

*Statute of
Provisors,
13 Ric. II. [c. 2
and 3] ex-
tended.*

ou pluso's ont en ycelles q si tielx puisours desore enau'nt acceptent ou enioient ascune tiel puisioñ qils enco'gent les peins comprimées en lestatut des puisours fait lan f'szime le Roy Richard s'cde.

Item¹ pr' eschuez plusours discensions discordes & debates & diñses au's meschies v'aisemblables a sourdier & auenir a cause des plusours puisions faites & affaires p lappostoil & ausi a cause des licences s' ceo g'untez p le Roi ñre soñain fr' ordonnez est & establez q nuli tiel licence ou pdon ausi g'untez deu'nt ces heures ne a g'untier en temps auenir ne soit vaillable a ascune bñfice plein dascun encombent a io' de le date de tielle licence ou pdon g'untee.

Item² ñre dit fr' le Roy considerant coment en diñses maties la monoie de soñ roialme dengt est t'hez hors dycelt a la Court de Rome en eschaunge p puiso's pr' puisions pr'chacer de lappostoil & t'nslaciōns des Erceueschies & Eueschies a g'und enpodissemēt de soñ dit Roialme ad ordonnez & establez p lassent suisdit q tous les estatutz & ordonnances faites en contre puisours t'nslaciōns des Erceueschies & Eueschies leurs executo's pcurato's Notairs fauto's mainteno's & recepto's sita en le temps fr' E. nadgairs Roy dengt & en temps fr' Richard darrein Roy dengt come en temps ñre dit fr' le Roy qorest oue tous les peins & addicions a ycelx soient desore enau'nt fermēt tenuz & gardez en toutz pointz, la moderacioñ des estatutz au'ntditz a ñre dit fr' le Roy au'nt ces heures faite noñ obstant, et q toutz les eleccions des toutz Erceueschies Eueschies Abbeis Priories deanées ou au's dignitez electives qconques soient desore enau'nt frankes saunz estre en nuli mafie desturbez, p lappostoil au'ntdit ou p manderit de ñre dit fr' le Roy. Purveu toutsoit q ñre dit fr' le Roy eit aussi f'unchemēt sees libtées & þrogatif come ascune de ses nobles pgenito's ad eu deu'nt ces heures ou come luy

¹ *Statutes of the Realm*, II., 153.

² *Statutes of the Realm*, II., 161.

provisors from henceforth accept or enjoy any such provision, that they incur the penalties contained in the statute of Provisors made in the 13th year of King Richard the Second.

Also, to avoid many dissensions, discords, and debates and divers No licence or other mischiefs likely to arise and happen by reason of the many provisions made and to be made by the Pope, and also by reason of the licences thereupon granted by the King our sovereign lord, it is ordained and established that no such licence or pardon so granted hitherto or to be granted in time to come, be valid for any benefice, full of any incumbent, on the day of the date of the granting of such licence or pardon.

Also, our said lord the King, considering how in divers manners the Statutes money of his realm of England is drawn out of the same to the court of Rome, in exchange by provisors for purchasing provisions from the Pope, and translations of archbishoprics and bishoprics, to the great impoverishment of his said realm, has ordained and established, with the assent aforesaid, that all the statutes and ordinances made against provisors, translations of archbishoprics and bishoprics, their executors, proctors, notaries, favourers, maintainers, and receivers, as well in the time of the lord Edward, lately King of England, and in the time of the lord Richard, last King of England, as in the time of our said lord the King that now is, with all the penalties and additions thereto, henceforth for the future be strictly kept and observed in all points, the moderation of the statutes aforesaid heretofore made to our said lord the King notwithstanding ; and that all the elections to all the archbishoprics, bishoprics, abbeys, priories, deaneries, or other dignities elective whatsoever be henceforth for the future free, without being in any manner disturbed by the Pope aforesaid, or by command of our said lord the King. Provided always that our said lord the King have his liberty and prerogative as freely as any of his noble progenitors has had hitherto,

pardon shall be granted on provision to a full benefice.

against Provisors confirmed.

Elections to spiritual promotions shall be free.

mesmes ad eu a ceste temps de faisance dyceste estatut. Et
outre ces mesme ñre ñr le Roy ad pdone & pdone a tous yceux
qount p'chacez puisions ou t*nslacions des Erceueschies ou
Eueschies p'chacez & executz ou niñt executz deu*nt ycest
primer iour de Decembr & tous leurs procurateurs notairs fauto's
& executo's tous mafes des f'spasses contempts forfaituren &
mesprisions p eaux ou ascune deux faitz ento' la dite p'chace
ensy qils purront enap's leur g*ce mettre en execucion sibn p
euax mesmes come p leurs procurateurs & executo's au*ntditz.

or as he himself has had at this time of making this statute. And saving the further our said lord the King has pardoned and pardons all those ^{King's} prerogative. who have purchased provisions or translations of archbishoprics or ^{The King's} bishoprics, purchased and executed or not executed before this first ^{pardon to} day of December, and all their proctors, notaries, favourers, and executors, for all manners of transgressions, contempts, forfeitures, and misprisions, by them or any of them done, concerning the said purchase, so that they may hereafter put their grace in execution, as well by themselves as by their proctors and executors aforesaid.

1 HENRY V. A.D. 1413.

STATUTES OF A PARLIAMENT AT WESTMINSTER, CAP. VIII.¹

Irishmen and
Irish clerks
beggars to
depart out of
England.

Exceptions.

Irishmen
having bene-
fices, &c., in
Ireland to
dwell there.

Item, for quiet and peace within the realm of England, and for the increase and stocking of the land of Ireland, it is ordained in this present parliament that all Irishmen and Irish begging clerks, called chamber-deakyns, be sent out of the realm between the feast of St. Michael next to come and the feast of All Saints next following, on pain of losing their goods and being imprisoned at the will of the King; except those who are graduates in the schools, and serjeants and apprentices of the law, and those who have inherited in England, and religious persons professed; and except also merchants born in Ireland of good report, and their apprentices at present dwelling in England, and those whom the King will dispense. And that all those Irishmen who have benefices or offices in the land of Ireland, dwell on their benefices and offices, on pain of losing and forfeiting the profits of their benefices and offices, for the defence of the land of Ireland aforesaid.

4 HENRY V. A.D. 1416.

STATUTES OF A PARLIAMENT AT WESTMINSTER, CAP. VI.²

[“An Act against spirituall men of mere Irishe Birth.”—Carew MS., No. 617, p. 197].

Recital of Irish
Statute against
Irishmen being
prelates &c., in
Ireland.

Item, whereas it was ordained in the time of the progenitors of our lord the King by statute made in the land of Ireland, that none of the Irish nation should be chosen by election as archbishop, bishop, abbot, prior, or in any manner received or accepted to any dignity or benefice within the said land; and although several such Irishman, by force of

¹ The text, taken from Statute Roll (Engl.) III. m. 8, is printed in *Statutes of the Realm*, II., p. 173.

² The text, taken from Statute Roll (Engl.) III. m. 8, is printed in *Statutes of the Realm*, II., 197.

certain letters of licence to them made by the King's lieutenants there, to accept and receive such dignities and benefices, be promoted and advanced to archbishoprics and bishoprics within the said land, the which make also their collations to Irish clerks of the dignities and benefices there, contrary to the form and effect of the said statute. And whereas they are called peers of Parliament in the said land, they bring with them to the Parliaments and Councils held there, Irish servants, whereby the secrets of the English in the said land have been and are daily discovered to the Irish people, rebels to the King, to the great peril and mischief of the loyal lieges of the King in the said land; our said lord the King, desiring to provide remedy for the same, for the security of his loyal subjects, with the assent of the lords aforesaid, and at the request of the said Commons, wills and grants, that the said statute stand in its entire force, and that it be well and duly kept, and fully executed, on his grievous indignation. And moreover, he has ordained and established, by the assent and request aforesaid, that if any such archbishops, bishops, abbots, or priors of the Irish nation, rebels to the King, make henceforward or have aforetime made, collations or presentations to benefices of Holy Church in the said land of Ireland, contrary to the form of the said statute, or bring with them, among the English there, to Parliaments, Councils, or other assemblies within the said land, any Irish, rebels to the King, to become acquainted with the secrets and state of the said English, and to discover them to the rebels, that then straightway, from time to time, all their temporalities be seized into the King's hands, to remain in the same, until they have made sufficient fines to the King in that behalf. And also that all the lieutenants of the King and of his heirs in the said land of Ireland be altogether forbidden and restrained from having henceforth any manner of power to give or grant any such licences or pardons in this case, to Irish parsons, not English. And that all such licences, not executed, made and granted by the King's lieutenants in the said land heretofore, and also to be granted by them hereafter, be void and of no force or value.

Native Irish
not to be
presented to
benefices, or
brought as
servants to
parliament.

Licences to the
contrary
forbidden.

9 HENRY V. A.D. 1421.

[PATENT ROLL, 9 HENRY V., ARTICLE No. 109 d.]

Nunciatus
cōis tōre
Hibernie
dominonostro
Regi in Ang^t
mies.

NOSTRE ſs excellent & ſs ſouleyn & liege Ceux ſount lez
poyntes & lez articles des queux vos poſtez humbles
lieges de vre Pre dirland deu^{nt} vre ſs hñble Cousyne James le
Botiler Count de Ormond vostre lieuten^{nt} de mesme vre Pre &
auſes f^{es} espirituelles & temporelles et voz Cōes en vre parle-
ment darreynement tenuz a vre Citee dynelyne ount faitz
ſoy greuouſement compleynantz et pur graciouſe remedie ent
ſolunc vre ſs sage & ſs benigne grace aſu p^r les quellez articles
declarer a vre hautesſe de lassent des dces f^{es} & de vos dites
Cōes illeosques assemblez fueront eſlieuz vre humble oratour &
Chapleyn John Ercheuesq^t darmagh^t prymat dyrland & vre
ſoil liege Cristofre de Prestoñ Chiualer messagers pur
approcher a vre ſs hautisme roiale mageſte pur la cause au^{nt}
dce les quelles articles ensuent.

En prymes Pſſoulayn & liege monſtront a vre ſs hautisme
roiale mageſte vos ditz poſtez liegez de vre dit Pre q^u come
mesme vre Pre pur la greindre partie eſt degaste & deſtrue p
les irrois enemyes & engleis rebelles ſibien p lour continuuelles
guerres ſur vos dites liegez en chescun Counte de vre dit Pre
come p diſſez extorſiōns & oppiſſiōns nounpaiementz & lez
malueiſes Coignes p plusours lieuten^{ntz} & lour deputeez et lez
g^undez pſones & naſons de mesme vre Pre ſur vos ditz lieges
continuelment faitz & vſes et pur deſaute de due execu^ſone de
vos leis pount vre dit Pre eſt deſcendue ſi g^undement en
declyne iſſint q^u meſme vre Pre iames ne ſra releue ne vos dces
enemyes & rebelles chastizez ſaunz vre ſs ſouleyne & ſs graciouſe
pſſence deyns vre dit Pre a ceo q^u ſembla a vos ditz poſtez lieges
mais meſme vre Pre & vos lieges en ycelle deyns brief temps
ſrount q^u dieu deſende tout entrement pduz & deſtruez p^r toutz
iours.

9 HENRY V. A.D. 1421.

OUR most excellent and most sovereign liege lord, the following are the points and the articles which your poor humble lieges of your land of Ireland, grievously complaining thereof, have made before your most honourable cousin James le Botiler, Earl of Ormond, your lieutenant of your said land, and other lords spiritual and temporal and your commons in your parliament lately held at your city of Dublin; and for having gracious remedy thereof, according to your most wise and most benign grace, for declaring the which articles to your highness there were chosen, with the assent of the said lords and of your said commons assembled there, your humble orator and chaplain John, Archbishop of Armagh, primate of Ireland, and your faithful liege Christopher de Preston, knight, as envoys to approach your most high royal majesty for the aforesaid reason. The articles are as follows—

I. Firstly, most sovereign liege lord, your said poor lieges of your said land show to your most high royal majesty that whereas your said land is for the greater part devastated and destroyed by the Irish enemies and English rebels, alike by their unceasing wars on your said lieges in every county of your said land, as by divers extortions and oppressions, non-payments, and the hateful coignes unceasingly levied and practised on your said lieges by several lieutenants and their deputies, and by the great men and families of your said land, as also from want of due execution of your laws, whereby your said land has fallen so greatly into decline that your said land will never have relief, nor your said enemies and rebels receive punishment without your most sovereign and most gracious presence within your said land, and so it seems to your said poor lieges that your said land and your lieges therein will—(which God forbid!)—within a short time be quite utterly ruined and destroyed for ever.

Item priont vos ditz poilez lieges q̄ come plusours foitz deunt cestes heures lez lieutenantz nadegairs de ſtre dit Pre & lour deputeez illeosques qount heuz de ſtre graunt de revenues & pfitez de mesme vro Pre a lour pprez oeps ount faitz diuſes extorsioſs oppiſſions damages & greuances a vos ditez lieges p force & colour de lour poair issint q̄ poi ou rien en fuist expenduz sur les guerres de ſtre dit Pre, sur quoy please a ſtre roiale mageſte en aide & confort de vos dites lieges & en ſaluaſone de ſtre dit Pre de garder & reten' lez ditz reuenuz en vos fa graciouzez mayns Consideraunt tſſoflayn fr̄ qie ſtre dit Pre eſt ḡundement eafe depuys q̄ lez auſtditz reuenuz deuientront a voz fa graciouzez mayns ſuſdites.

Item priont vos ditz lieges q̄ ſtre monree desoulz ſtre cunage p̄ra eſtre fait ſolunc ſtre paſſage & fa graciouſe diſcrecione deins ſtre dit Pre a ſtre dit Citee cestassau de deux deſſ un deſſ maill & quadrant & pluys ſil ſembla a ſtre paſſage diſcrecione en mesme le maſſe come eſt fait deins ſtre roialme denglef're ou toutz maſſez Officers & Mynſ'es en cest cas buſoignables pur fa ḡunde p̄ſte & releuement de ſtre dit Pre & vos ditez lieges.

Item monſtront a ſtre dit Ps hautisme roiale mageſte vos ditz lieges q̄ come al prym venue de ſtre Ps noble p̄deceſſour le Roy Richard le ſode al dit Pre plusours greyndrez Chieftayns diroisſes nacons cestassauoir M'Morgho Oneel Obreene de Tomond Oconoghour de [Conaught]¹ & autres diuſes irrois ſoy humblement ſubmysteront oue lour frank volunte demesne & deviendront lieges hōmes a luy & ſes heirs Royes denglef're p̄ eaux lour enfauntz naciones & gentz p̄ toutz iours et a celle temps fieront leur homage liege et auxint p̄ la greindre ſeure obligeront de boñ voloir p̄ plusours Instrumentz en diuſes ſommes appairs al nre p̄ſſentisme pier le Pape & a ſes ſuccesſours p̄ fiermement garder lour dit liegeaunces lez queux Instrumentz demeurent en ſtre treſurie denglef're ſi come vos

II. Also, your said poor lieges pray that whereas on several occasions before the present time, the former lieutenants of your said land and their deputies there, who have had of your grant, revenues and profits from your said land to their own use, have committed divers extortions, oppressions, damages and grievances on your said lieges by force and pretence of their power, so that little or nothing was spent on the wars in your said land ; wherefore may it please your royal majesty, in aid and comfort of your said poor lieges and for the safety of your said land, to keep and retain the said revenues in your most gracious hands, considering, most sovereign lord, that your said land would be greatly relieved when the aforesaid revenues should come to your aforesaid most gracious hands.

III. Also, your said lieges pray that your money under your coinage may be coined according to your most wise and most gracious discretion within your said land at your said city, that is to say, two-penny pieces, the penny, halfpenny and farthing, and more if it seem good to your most wise discretion, in the same manner as is done within your kingdom of England, with all manner of officers and servants as are necessary in this work, to the very great profit and relief of your said land and your said subjects.

IV. Also, your said lieges show to your said most high royal majesty that whereas at the first coming to the said land of your most noble predecessor, King Richard the Second, several great chieftains of Irish families, that is to say, to be sought. McMorogho, O'Neel, O'Brien of Thomond, O'Conoghor of [Connaught], and divers other Irish, humbly submitted of their own free will, and became liege men to him and his heirs, kings of England, for themselves, their children, families and people for ever, and at that time they did their liege homage, and also for greater security they voluntarily, by several instruments, bound themselves in divers sums, to be paid to our most holy father the Pope and his successors, to keep firmly their said allegiance, which instruments remain in your treasury

Money to be coined in Ireland as in England.

The Pope's sanction to a crusade against the Irish enemies

ditez lieges supposont. Et depuys celle temps tanqe enceas deses psonns ouint devenuz dislieges & rebeux & degastont & destruont vos dces lieges encontre la fourme suysdice ; pount priont vos ditz lieges si plesir soit a vre fs noble & fs gracieuse fr^e p^r acerteyn & escrier a nre dit fssentisme pier le Pape p^r vos fs gracieusez tres toutz les ma^{ies} & choses suisdites oue lour circumstancies q^{on}ques pur vne croysorie sur ceo au^r sur les ditz irrois enemyes en relement & salua^cone de mesme vre Pre & vos ditz lieges en ycelle et en ppetuelle destruc^cone dez dces enemyes oue layde de dieu.

Item fssouayn fr^e liege vos dces lieges soy greuusement compleynont p^r ceo qen vre plement tenuz a vre dit Cite en la xv^{me} de saint hillier deu^{nt} John Talbot de Halomshire Chiualer adonques vre lieuten^{nt} de vre dit fr^e lan de vre regne quarte estoit eslieuz vre Orator & Chapleyn Thomas Cranley adonques Erceuesq^u de dyuelyn q^{on} dieu assoille messager p^r approcher a vre fs hautisme mageste p^r declarer lestage & la go^urnance de vre fr^e au^{nt}dit et surceo le message estoit engrosse & fait p^r &teins engrossours a ceo assignez p^r autorite del dit plement et quant le message fuist ensy engrosse les au^{nt}dces Engrossours prieront & requysteront mon^r laurence Merbury vre Chaunceller de vre dit fr^e p^r met^r al dit message vre graund seal de vre dit fr^e en sa garde esteant, le quel Chaunceller ceo faire ne voilloit mays vre dit seal denya a fs graunde anientisement de vre dit fr^e sicome pluys au pleyn purra apparoir p^r vn Instrument ont fait le quel plesir soit a vre fs puissante fr^e doier & veer ; pount priont lez dces vos liegez p^r taunt q^{on} vre dit Chaunceller est ouesq^u vous en Englefr^e p^r vre cōmandement q^{on} vous please de luy faire venire deu^{nt} vous a vre volunte pur declarer la cause p^r quele il ne voilloit metter vre dit seal al dit message et sur ceo faire & ordeyn reme^rdy q^{on} myelz semblera a vre tres gracieuse fr^e.

of England, as your said lieges suppose. And since that time, as formerly, the said persons have become disloyal and rebellious, and waste and destroy your said lieges, contrary to the form aforesaid ; therefore, if it please your most noble and most gracious lordship, your said lieges pray you to inform and complain to our said most holy father the Pope, by your most gracious letters, about all the aforesaid matters and things, with each of their circumstances, with a view to having a crusade on that account against the said Irish enemies, for the relief and safety of your said land, and your said lieges therein, and with God's help, to the perpetual overthrow of the said enemies.

V. Also, most sovereign liege lord, your said lieges make Complaint grievous complaint, because that in your parliament held at Lau. Merbury, your said city in the quinzaine of St. Hilary, before John chancellor, Talbot of Hallamshire, knight, then your lieutenant of your said land, in the fourth year of your reign, there was chosen your orator and chaplain Thomas Cranley, then Archbishop of Dublin (whom God assoil) as messenger to approach your most high majesty, to declare the state and the government of your aforesaid land, and thereupon the message was engrossed and made out by certain engrossers appointed thereto by authority of the said parliament, and when the message was so engrossed, the aforesaid engrossers prayed and requested sir Laurence Merbury, your Chancellor of your said land, to affix to the said message your great seal of your said land, being in his keeping ; the which Chancellor would not do so, but withheld your said seal, to the very great detriment of your said land, as may more fully appear by an instrument drawn up thereon, which may it please your most puissant lordship to hear and inspect : wherefore your said lieges pray that, since your said Chancellor is, by your command, with you in England, you be pleased to cause him to come before you at your will, to declare the reason why he would not affix your said seal to the said message, and thereon to make and ordain the remedy that shall seem best to your most gracious lordship.

Item supplioint vos dces lieges q̄ come eux sount chargez de diūsez intollerables charges & guerres de iour en autre issint q̄ lez t̄re ten̄ntz artific̄s & labourers del dit t̄re de ioure en autre senalent hors de mesme v̄re t̄re en ḡundo nombre en v̄re roialme dengleſtre & la dem̄ent pount la gaignage de mesme v̄re t̄re est ḡundement anientise nonhabite et vos ditez lieges ḡundement enfeblez p̄ resister la malice de vos ditez ennemys pount please a v̄re d̄ce hautesse considerer la matier suisde ent ordeyn couenable remedye.

Item monstront vos ditz lieges a v̄re dit hautesse q̄ come prymement ap̄s v̄re Coronacione monſr John de Stanley q̄ dieu assoille estoit lieutenant de v̄re dit t̄re a quele temps & auxi en temps de nre fs soſlayne fr̄ le Roy v̄re pier et de v̄re p̄decessour le Roy Rychard suisde riens ou poy il paya a mesmez vos lieges mais diūses extorsions & opp̄ssions fist de temps en temps encountre la forme de vos loyes en ḡun: anientisement de v̄re dit t̄re; p q̄ please a v̄re fs graciouse fr̄ de compeller lez heirs & executours del dit John Stanley qieux p biens de v̄re dit t̄re ḡundement sount enriches & enhansez de v̄en en cest t̄re de faire paientement dez dettes del dit John Stanley & p̄ amender lez defautes pdeuant p le dit John Stanley faitez come myelz semblera a v̄re dit hautesse.

Item monstront vos ditz lieges q̄ come ap̄s la morte du dit monſr John de Stanley estoit eslieu p v̄re conseil pdecea le refuent [piere en dieu]¹ v̄re foiale liege Thomas Erceuesq; de dyuelyn q̄ dieu assoile en v̄re Justice de v̄re d̄ce t̄re le quel luÿ goſuna enſus vous nre fs redoute fr̄ & vos ditez lieges benignement & honestement en faisant reisonable paientement as ditz lieges saunz ascunez extorsions ou opp̄ssions a ceux faitz de la quele goſun̄nce vos ditz lieges furent ḡundement

¹ Illegible.

VI. Also, your said lieges pray, that whereas they are from Request for
day to day burdened with divers intolerable charges and wars, ^{remedy} against heavy
so that the ter-tenants, the artificers and labourers of the charges.
said land daily depart in great numbers from your said land to
your kingdom of England and remain there, whereby the hus-
bandry of your said land is greatly injured and disused, and
your said lieges greatly weakened in their power of resisting
the malice of your said enemies ; may it therefore please your
said highness to consider the above-mentioned matter and
ordain suitable remedy thereof.

VII. Also, your said lieges show to your said highness that The heirs of
whereas at first, after your coronation, sir John de Stanley ^{John de} Stanley, late
(whom God assoil) was lieutenant of your said land, at which ^{lieutenant, to} be compelled
time as also in the time of our most sovereign lord the King, ^{to pay his} debts, &c.
your father, and of your predecessor, King Richard aforesaid,
he paid little or nothing to your said lieges, but committed
divers extortions and oppressions from time to time, contrary
to the form of your laws, to the great detriment of your said
land ; Wherefore may it please your most gracious lordship to
compel the heirs and executors of the said John Stanley, who
are greatly enriched and aggrandised by the goods of your said
land, to come into this land to make payment of the debts of
the said John Stanley, and to make good the losses formerly
caused by the said John Stanley, as shall seem best to your
said highness.

VIII. Also, your said lieges show that whereas after the The mode of
death of the said sir John de Stanley, there was chosen government
by your Council here the reverend [father in God] your Thomas, ^{of} archbishop of Dublin,
faithful liege Thomas, Archbishop of Dublin, (whom God Justiciar, a
assoil !) as your Justiciar of your said land, which he governed ^{good example} to be followed.
alike in regard to you, our most dread lord, and to your
said lieges, with clemency and honesty, making reasonable
payment to the said lieges, without any extortions or oppres-
sions being done to them : with which administration your
said lieges were greatly pleased and very well satisfied, and

pleasez & ſbien contentz, et ils signifiant a vre dce hautesſe alentent q de tiele bon goſnaunce ceux qauont la goſnaunce de vre dce frē en temps aueſt deuſſent bone example pndre.

Item pleignent vos ditz lieges q come en temps q monſ John Talbot chualer [eftoit]¹ lieutenant de vre dit frē plusoures greindres & excessiues extorsioſ ſiſt ſur gentz de religiouſes & autres de ſeynt eſglise come ſr vos ditz lieges queux ne furent faitz en nos iours et leur bns et catelz pristz ſaunz ent a eux poy ou rien paier p q vos ditez lieges en cele pte ſount ſa gſundement anientisez & empouez pont please a vre hautesſe conſiderer le matier ſuſdce & cōmander le dit monſ John en la meillioire fourme come myelz ſemblaſt a vre Royale Mageſte p enuoier lez deputes attoſnees & offiſes en vre vre ſuſdce pur faire amendes de ſez extorsioſ & oppaſſions ſuſdces & due paientement faire a vos ditz lieges en gſunde ſocoſ aide & rel[euam]²ent de poſte eſtate de vos ditz lieges.

Item monſtront a vre ſa roiale mageſte vos ditez lieges q come en temps de vos ſa nobles pgenitoſes & pdeceſſouſ cefſaſſu E. le tierce Richard ſcde iadys Roys dengleſtre ſteyns Cōmiſſioſ gentz foiaux vaillauntz pſones & ables p eux furent enuoies p leur comandement en vre frē ſuſdce pur enquerer de toutz leur lieutenantz Justicez & Gardeyns queux pur le temps furent et de leur goſnaunce extorsioſ & oppaſſions noñpaientementz & auſteſ damages as lieges cele partie faitz et lez a vos ditz pgenitoſes & pdeceſſouſ de temps en temps auerter a quele temps vre dit frē eſtoit en pluys meillour eſtate & ppete q nest a ore. Et vre pſhaut frē liege aſcuns tielz Cōmiſſionſ depuys vre Coronaſone ne viendrent p enquerer en lauantde vre frē come desuys eſt dit; pount please a vre dit mageſte conſiderer la matier ſuſdce & denuoier ſtayns loyaux & foſaux

¹ Illegible.

² Indistinct.

they acquaint your said highness, to the end that those who have the governance of your said land in time to come should take a good example from such good rule.

IX. Also, your said lieges complain that whereas in the time when Sir John Talbot, knight, [was] lieutenant of your said land, he committed several great and monstrous extortions and oppressions, as well against the religious orders and others of Holy Church, as against your said lieges, such as were never done in our time, and took their goods and chattels, paying them little or nothing therefor, by which your said lieges in that part have been very greatly injured and impoverished. Wherefore, may it please your highness to consider the said matter and command the said Sir John, in the best way that seems good to your royal majesty, to send deputies, attorneys and officers into your aforesaid land, to make amends for his extortions and oppressions above-mentioned, and make due payment to your said lieges, to the great succour, aid and [relief] of the poor estate of your said lieges.

X. Also, your said lieges show to your most royal majesty, that whereas in the time of your most noble progenitors and predecessors, that is to say, Edward the Third and Richard the Second, formerly Kings of England, certain commissioners, faithful men, persons of might and ability, were sent by them by their command into your aforesaid land, to enquire of all their lieutenants, justices and guardians, for the time being, both regarding their administration, extortions and oppressions, nonpayments and other damages done to the lieges of that part, and report them to your said progenitors and predecessors from time to time: at which time your said land was in much better condition and more prosperous than it now is. And, our most high liege lord, no such commissioners have come, since your coronation, to your aforesaid land, to enquire, as is above said. Wherefore, may it please your said majesty, to consider the aforesaid matter, and send certain loyal and faithful men of your realm into your said land,

Sir John
Talbot, lieu-
tenant, and
his officers, to
make amends
for extortions,
&c.

Commis-
sioners to be
appointed, to
enquire into
the conduct
of lieutenants,
officers, &c.

gentz de vre Royalme en vre dce Pre denquerer p Cōmission de toutz vos lieutenantz officis & autres vos ministres de vre dit Pre qiconq̄s et toutz lour ministres & officis et de lour godnance extorsions opp̄sions excessez nounpaientz pdeuz damagez faux emprisonementz & de toutz autres mafis greuauncez p eur ou ascuny de eux puys vre dit Coronacione tanq̄ ences faitz ou ppetres et ent c̄tifier a vre dite hautesse p^r aū couenable remedye a vos ditz lieges g^unde p̄fite & consolacione pur toutz iours.

Item monstront vos ditz lieges q̄ come en vre dit parlement tenuz deu^{nt} vre dit lieutenantz qorest mesme vre lieutenantz estoit requisite p vos ditz lieges pur garder vos leyes & de rebutter toutz mafis extorsions & opp̄sions & due paiement faire a vos ditz lieges a q̄ vre dit lieutenantz disoit qil oue laide de dieu vorroit p l̄s tout sa poair vos d̄ces leyes garder & due paiement faire, et outre sil nauoit de vous l̄s redoute p^r dount il p^ra paier a vos ditz lieges il pmyst a mesme le temps en mesme vre plement deu^{nt} toutz estatez dicell q̄ al fyne de soñ lme il vorroit assigner toutz les rentz de Eteyns sez fr̄s de soñ meilleur vyuer pdecea saunz rientz deux pndre tanq̄ due paiement s̄ra fait a vos ditz lieges dount mesmes vos lieges g^undement esmercierent vostre dit lieutenantz, et auxint de ceo q̄ le dit vre lieutenantz ad ouste vn maluois lshaynouse & importable custume appelle Coigne le quele de l̄s longe temps estoit vse deins vre dit Pre sur vos lieges a l̄s haute anientisement deu^{nt} deux; es queux affairs il soy ad bien porte tanq̄ ences et myelz vorroit aū fait sil eust sufficiente de refreshement de vre l̄s graciouse aide come a eux semble, pount supplient vos ditz lieges q̄ please a vro lssouayne prie si plaisir soit a ycell de ent esficier vre dit lieutenantz & lui refreshher al humble request de vos lieges suisditz et charger de cella continuer.

to enquire by commission concerning all your lieutenants, officers and other your servants, whomsoever, of your said land, and all their servants and officers, and their administration, extortions, oppressions, excesses, nonpayments, losses, damages, false imprisonments, and all other kinds of grievances done or caused by them or any of them since your said coronation, as of old, and make a return thereof to your said highness, with a view to having suitable remedy, to the great profit and comfort of your said lieges for all time.

XI. Also, your said lieges show that whereas in your said parliament, held before your said lieutenant that now is, your said lieutenant was requested by your said lieges to guard your laws and oppose all kinds of extortion and oppression, and make due payment to your said lieges: to which your said lieutenant answered that with the help of God he would, with all his power, guard your said laws and make due payment, and further, if he had not from you, most dread lord, [any funds] from which he might pay your said lieges, he promised at the same time in your same parliament before all the estates thereof, that at the end of his term he would assign all the rents of certain his lands, of his best living, for this, without taking anything from them until due payment should be made to your said lieges: for which your said lieges greatly thanked your said lieutenant, as also because your said lieutenant abolished a bad, most heinous and unbearable custom, called coigne, which for a very long time was practised within your said land on your lieges, to their deepest hurt; in which matters he has borne himself well as ever, and as seems to them, would have done better if he had had sufficient encouragement in your most gracious help. Wherefore your said lieges pray that it may please your most sovereign lordship, if it be your will therein, to thank your said lieutenant and encourage him, at the humble request of your above-mentioned lieges, and charge him to continue that policy.

Item monstront voz ditz lieges q̄ come diſſes pſonnes nient apprise descripture ne de trature ount Ⓛtayns offices en ſtre Eschequer de ſtre dit frē & les occupiont p lour deputeez. Et outre ſiſn Clercz come auſſes ount & occupiont dieux offices ou treis en mesme ſtre Eschequer pouut pluys greindres excessyues fees ſount prises de vos ditz lieges & auſſis extorsions a eux faitz p̄ les ḡundes fermes q̄is paient a lour meiftres et les ditz offices nient ſi duement gardez & ſuicez come eſtre ſoiloint & deuſſent; pont priont vos ditez lieges q̄ please a ſtre l̄ſhaute diſcrecione conſiderantz lauſtdce matier ent couenable remedy ordeynſ.

Item monstront vos ditz lieges q̄ come eux ſount rieules & goſſnes p̄ vos leyes vſes en ſtre roialme dengleſtre pur queux leies ap̄ſſndre & en ycelt eſtre enfo'mez voz ditz lieges ount enuoies gentz hables de bone & gentiele naſone voz engleysez lieges neez de ſtre dit frē a Ⓛtayns hostellz de Courte lez queux ount eſtez receux illeosques en temps del conquest de ſtre dit frē tanqe ore tarde q̄ lez Goſſnours & Compayny dez ditz hostiells ne vorront mye receyſſ les ditz gentz en les ditz hostiells come ils ſoloient eſtro pouint please a ſtre l̄ſgraciouſe fr̄ie cella conſiderer & ent ordeygn̄ due remedie q̄ voz leies ſoient contynuz & nient obliſſ en ſtre dit frē.

Item pleynont voz ditz lieges q̄ come les Chastellayns Escocez & autres voz enemyes de diſſez pties de longe temps paſſes ount gardes le mere entre ſtre Roialme dengleſtre et ſtre dit frē et voz foiaſſ lieges & marchaundes ſount derobbez emprisones & raunceonez & ſouent foith tuez a ſe ḡunde anientisement de toutz voz lieges & marchauntz. Sur q̄ please a ſtre l̄ſhautesse conſiderer lauſtdce matier & q̄ ſtre dit frē ne poet eſtre ſaunz ſichaundisſ ſustenu & ſur ceo de ſtre ſe benigne grace couenable remedy ordeignſ.

XII. Also, your said lieges show that whereas divers Extortions persons, not learned in writing or in letters, hold certain illiterate men offices in your Exchequer of your said land, and fill them by performing their deputies. And further, clerks as well as others hold and fill two or three offices in your said Exchequer, whereby very excessive fees are taken from your said lieges, and other extortions are committed on them, owing to the great farms that they pay to their masters, and the said offices are not so duly kept and served as they used to be and should be. Wherefore your said lieges pray that it may please your most high discretion, on consideration of the aforesaid matter, to ordain suitable remedy thereof.

XIII. Also, your said lieges show that whereas they are English lieges ruled and governed by your laws used in your realm of England, to learn which laws and be informed therein, your said lieges have sent to certain inns of court able men of good and gentle family, your English subjects born in your said land, who have been received there from the time of the conquest of your said land until now lately, when the governors and companies of the said inns would not receive the said persons in the said inns, as they used. Wherefore may it please your most gracious lordship to consider this and ordain due remedy thereof, that your laws may be perpetuated and not forgotten in your said land.

XIV. Also, your said lieges complain that whereas the Castilian and Castilians, Scots, and other your enemies of divers parts, have for a long time past kept the sea between your kingdom of England and your said land, and your faithful lieges and merchants are robbed, imprisoned, and held to ransom, and oftentimes killed, to the very great destruction of all your lieges and merchants. Wherefore may it please your highness to consider the aforesaid matter, as well as that your said land cannot be supported without merchandise, and of your most benign grace to ordain suitable remedy in that matter.

Item monstront vos ditz lieges q̄ come p vn estatut fait en Engleſtre ordeigne estoit q̄ chescune Eschetour deins chescun Counte de ſtre dit roialme deust aſſ sufficiante des fr̄es rentz & teñtz deins mesme le counte p̄ respondre p̄ loure defauter ſiſn au Roy come al partie. Et ceo nient obſtant ſtre Eschetour de ſtre dit fr̄e dem̄ant en Engleſtre qoreſt & autres diſſez Eschetours deuſt luy ouſt faitz diſſez deputeez en diſſes Countees deins ſtre dit fr̄e nient ſufficientz ne nult poſſeſſions eiantz ſolonc la foſme du dit Eſtatut les queux ont faitz & fount ḡundes damages & op̄ſſions a vos ditz lieges p cause deꝝ graundez fermes qils portent a lour meiftres en graunde damage & arrerisement ſiſn a vous come a vos ditz lieges, pount please a ſtre dit mageſtie lauantd̄e matier conſiderer & ordeign q̄ ſtre Eschetour qoreſt de ſtre dit fr̄e ne nult autre Eschetour deſormes face nult deputes deins la dit fr̄e ſiſoñ qil eit ſufficiente des fr̄es & teñtz deyns mesme le Countee ou il ſra depute come le dit Eſtatut fait mencione.

Item monstront vos ditz lieges q̄ come le ſs noble Roy E. tierce ſtre besaiel iadis Roy dengleſtre q̄ dieu asſoile pentre autres pdona & releſſa geſſalment a toutz ſes lieges dengleſtre Irland & Gyan et toutz ſez autres lieges p̄ les almes de ſes ſſ refuentz piere & mere et pur les almes de toutz ſes ſſ nobles pgenitorſ toutz maſſes dettes & accomptes a luy ou ſes pgenitorſ duez ſicome p ſes tres patenſts]¹ ent faitz en ſez Escheqers dengleſtre & dirland enrollez pluys pleynement appiert la quele ſſ graciouſe pdone eſtoit ſſ ḡunde releue & amendement de tout la dit fr̄e. Et puys de ſtre ſſ abondante grace ap̄ ſtre Coronaſone pdonastes deyns ſteyn temps lymyte a toutz vos lieges queux vorroient pſuer a ſtre ſſ graciouſe fr̄ie toutz maſſes dettes accomptes & autres diſſes articles ſicome appiert p vos graciouſes tres patentz a diſſez de vos lieges ent faitz et vos

¹ Torn.

XV. Also, your said lieges show that whereas by a statute made in England, it was ordained that each escheator in every county of your said realm ought to have sufficient lands, rents, and tenements within the same county, to answer for their defaults as well to the King as to the party. And, notwithstanding this, your escheator of your said land that now is, dwelling in England, and divers other escheators before him have appointed divers deputies in divers counties within your said land, who have neither sufficient nor indeed any possessions, according to the form of the said statute; who have committed and do commit great damages and oppressions on your said lieges, by reason of the great farms they bring to their masters, to the great damage and loss alike of you as of your said lieges. Wherefore, may it please your said majesty, to consider the aforesaid matter, and ordain that your escheator, that now is, of your said land, and any other escheator in the future, shall not appoint any deputy within the said land unless he have sufficient lands and tenements within the same county wherein he shall be deputy, as the said statute makes mention.

XVI. Also, your said lieges show that whereas the most noble King Edward the Third, your great grandfather, formerly King of England (whom God assoil!), amongst other things, pardoned and released generally to all his lieges of England, Ireland, and Guienne, and all his other lieges, for the souls of his most honoured father and mother, and for the souls of all his most noble progenitors, all kinds of debts and accounts due to himself or his progenitors, as by his letters patent made thereon, enrolled in his Exchequers of England and Ireland, more fully appears, which most gracious pardon was a great relief and benefit to all the said land. And later, after your coronation, of your most abundant grace, you pardoned, within a term limited, to all your lieges who wished to make suit to your most gracious lordship, all manner of debts, accounts, and divers other articles, as appears by your gracious letters patent made thereof to divers of your lieges.

ditz lieges de vre dit frē nient sachantz p^r la greindre partie
de vre dit pdone si gesnalment g^unte & auxint du temps
iesques cell graciouse pdone deust durer riens p^rsueront a/
fountayne de vre ts g^unde grace; pount please a vre tshaute
mageste denclynner lez orraill de vre habundante pite a vos
ditz lieges considerantz lor pof estate & importable charge & a
eux p^r lez almez de vos fanobles pier & mere & de toutz vos
autres pgenitors & pdecessours queux dieux assoille g^unter
tiele pdon a ditz lieges come mielz semble a vre fssage
discrecion en ppetuelle rememorie de vre tspuissante &
ts graciouse fr^eie.

Item monstront les au^{nt}ditz lieges a vre tshautisme
mageste q come en le plement le Roy R. nadgairs Roy
denglefre le scde puis le conquest lan de soñ regne tierce
tenuz ordeygne estoit & accord est q toutz gentz de qconq estate
ou condicōne qils estoient frēs rentz bnficez & autres
possessiōns qconques deins la frē dirland eiantz enufs la dit
frē soy traherent deu^{nt} le fest de Natyuyte de saint John
le Baptystre adonqes psheyn ven^{nt} & desore en eide &
fortificaōne de ses foialz lieges illeosques dem'eront &
researent p^r la dite frē encoutre lez rebeuxes & Irrois garder
& defender. Et q toutz ceux queux chasteit & forcelletez deins
la dit frē adonqes adoient ils en competent state facent
repairer & sustiner & illeosques bone et suere garde p^r la
saluacione dicel Chastelt & forcelletez sur le pill qapent
poneront et en cas q ascune de eux queux ouint frēs offices
rentez bnficez ou autres possessiōns en la dit frē & hors dycelle
frē ap^s le dit fest p^r cause resonable estoit absente donqes p^r
le temps dabsentee hōmes defensables en defense du dit frē
solonc ceo q necessite demande en lour lieu mysterent &
trouerent eiant regarde al quantite & le value dez frēs rentz
offices & au^{es} possessions suisdites et qil q ceo ne ferroit
adonqes les deux parties dez pftes des frēs rentz officez &

And your said lieges of your said land, knowing, for the most part, nothing of your said pardon so generally granted, and also of the time during which that gracious pardon should last, made no suit at the fountain of your abundant grace. Wherefore, may it please your most high majesty to incline the ears of your abundant pity to your said lieges, having regard to their poor condition, and unbearable burden, and further to grant them, your said lieges, for the souls of your most noble father and mother, and of all your other progenitors and predecessors (whom God assoil), such pardon as seems best to your most wise discretion, as a perpetual remembrance of your most mighty and most gracious lordship.

XVII. Also, the aforesaid lieges show to your most high majesty that whereas in the Parliament held in the third year of King Richard, the Second since the conquest, late King of England, it was ordained and agreed that all persons of whatsoever estate or condition they were, having lands, rents, benefices and other possessions whatsoever within the realm of Ireland, should betake themselves to the said land before the feast of the Nativity of Saint John the Baptist then next to come, and thenceforward should remain and reside there in aid and strengthening of his faithful lieges, to guard and defend the said land against the rebels and the Irish. Further, that all those who then had castles and fortalices within the said land should get them repaired and kept in fit condition, and should place there a good and safe guard, for the protection of those castles and fortalices, on the penalty that thereto attaches ; and in case that any of those who have lands, offices, rents, benefices or other possessions in the said land, and be absent outside that land after the said feast for reasonable cause, then during the time of absence they should find and substitute in their place capable men, in defence of the said land, according as necessity require, regard being had to the quantity and the value of the lands, rents, offices and other possessions abovementioned ; and in case of failure to do so, that then two parts of the profits of the lands

Recital of
English
Statute
3 Ric. II. as
to absentees.

The effect and
intent of same
to be certified
to the lieu-
tenant.

possessions suisdites p aduys des Justices & Gofno^rs de la tre p^r la temps esteantz &roient leues & sur la garde & defense dicelle Pre expenduz & confitez pur bien q la tierce partie de la value des bnficez de toutz ceux queux dem^rgent ou studeont en la vniuersite ou hors de mesme la Pre p^r cause resonable du licence du Roy desouthi soñ g^{nde} seale denglebre fueront absentes, les ordinaries charges & necessaries solonc la &tificatione dez lour ordinaries toutsolement deductuz come en la dite ordeinance pluys au pleyne est contynuz. Et ore l'spuissaunt & diffusez psonnez foialx vos lieges de vre dit Pre soy enalantz as pties dehors ascuns psones p citacionis nre l's sentisme pier le Pape sibn a sa suyt come al suyte de partie et diffuses psones a cause de p'suer diffuses g^{ces} nre dit l's sentisme pier le Pape et plusours psones p^r dem'er en Englebre sibn as escoles as vniuersites illeosques come app^{ndre} vre cõe ley aicome lez app^{nt}ices de la Court diffuses psones deux p vre licence desoulz vre g^{nde} seale dirlande & plusours psonnez saunz vre licence queux teinent gentz sufficiante en lo^r lieus et nient obstant cella les ditz psones queux sont escolantz & absenter hors du dit Pre a cause de lour apprise sont p vos Offices de vre Eschequer dirland vexes & greues & pnt deux lez deux parties dez issuez & pfites de lour Pre rentz & teantz officez & possessions deins mesme la Pre auxi entierment come ceux q estoient absenter hors de mesme la Pre saunz licence a fsg^{nde} unientisement de vos ditz pofles lieges; pount ils priont a vre dit fsg^{ciouse} &rie p auise de vre l's sage conseille declarer & &tifier a vre dit lieuten^{nt} dirland & a vos Offi[cers]¹ leffecto & lentent du dit estatut coment & en quelle manie vos dites lieges &ront goûnes en cest matier en temps auch a l's g^{nde} confort & releue de vos ditz pofles lieges.

¹ Obliterated.

rents, offices and possessions abovementioned should be raised by the advice of the Justiciars and Governors of the land for the time being, and be spent on and directed towards the protection and defence of that land. Provided only a third part of the value of the benefices be raised from all those who were absent as residents, or students in a university, or outside the said land for reasonable cause, with the King's licence given under his great seal of England, the ordinary expenses and necessaries only being deducted according to the certificate of their ordinaries, as in the said ordinance is more fully contained. And now, most puissant lord, divers persons of your faithful lieges of your said land, when they go away to foreign parts, some by citations of our most holy father the Pope, as well at his suit as at the suit of a party, some to seek divers graces from our said most holy father the Pope, many too to reside in England as well at the schools and the universities there, as to learn your common law as apprentices of the Court, divers of these, by your licence given under your great seal of Ireland, and several without your licence, but who maintain sufficient men as their substitutes, yet, notwithstanding this, the said persons who are scholars and absentees outside your said land because of their education, are harassed and burdened by your officers of your Exchequer of Ireland, who take from them two parts of the issues and profits of their lands, rents and tenements, offices and possessions within the said land, as fully as from those who were absentees from the said land without licence,—to the very great hurt of your said poor lieges. Wherefore, they pray your said most gracious highness, with the advice of your most wise Council, to declare and make known to your said Lieutenant of Ireland and to your officers, the effect and intent of the said statute, how and in what manner your said lieges are to be governed in this matter in time to come—to the very great comfort and relief of your said poor lieges.

Item monstront vos ditz lieges q̄ come vre poū Oratour John Randolph, Clerk, psone de lesglise de ñre dame de Galtry en la dioç de Mid̄ q̄ suyst sibn p̄ vous ñre ñssoflayne fr̄ come p̄ luy mesmes q̄ come les temporaltees del Euesche de Mid̄ dount lauquesoñ du d̄ce esglise est p̄cetl furent seisez en vos maynes pur ðteyns causes la quel esglise voida p̄ consecraçōne de John Swayne Clerk a Erceuesch de Ardmagh f̄ce les quelles temporaltees esteantz en vos mayns p̄ quel voidance le dit John Randolph fuist p̄sente al dit esglise p̄ droit & title de vous f̄sgraciouse fr̄ie et institut & enducte en ycelt p̄ lordenarie de mesme le lieu lez auñtd̄ces temporaltees en vos mayns esteantz et ceo nient obstant vn Thomas Prys Chapleyne p̄chacea de lapostailt vn bille destre psone du dit esglise ap̄s la dite voidaunce nient faisaunte mencione de vre title & droit le quel Thomas & diñsez autres ensemble confedrez ont p̄ues & deciaraes et diont en la courte de lapostailt q̄ vous f̄sgraciouse fr̄ nauez droit a p̄sente a null esglise esteantz les temporaltees en vos mayns a cause de nulle voidaunce sinoñ a cause del morte del Euesq; de mesme le lieu en disheridaunce de vre Corone a ḡunde damage & arrerisement du dit John; pount priont lez ditz voz lieges dordeygh sur ceo remedye couenable solonc vre ñssoflayne disrecioñe encountre tiels psones q̄ont faitz tieles declaraciones en saluacione del droit de vre corone.

Item monstront vos ditz lieges q̄ come les lieutenantz & autres q̄conques Goñours de vre dit fr̄e deuñt cestez hours ount heuz poair de receyq̄ les homages de vos tenantz q̄ teignent de vous ñre ñssoflayne fr̄ en chief et ceux q̄ p̄sont sount tenuz de faire lour homage ne le poent faire p̄decea a cause q̄ vre lieutenantz q̄orest nad null poair p̄ ycelt receyq̄ et ensy vos mesmes tenantz duissent deportez hors de cest païs enq̄ vre

XVIII. Also your said lieges show that whereas your poor As to the
 orator John Randolph, clerk, parson of the church of our Lady patronage of
 of Galtrym, in the diocese of Meath, who sues as well for you, the living of
 our most sovereign lord, as for himself, that whereas the Galtrym, dio.
 temporalities of the Bishopric of Meath, whereof the advowson Meath, &c.
 of the said church is part, were for certain reasons seized into
 your hands, the which church was void, owing to the consecra-
 tion of John Swayne, clerk, to the Archbishopric of Armagh,
 the which temporalities being in your hands owing to that
 vacancy, the said John Randolph was presented to the said
 church by right and title of your most gracious lordship, and
 instituted and inducted into the same by the Ordinary of the
 same place, the aforesaid temporalities being in your hands,
 and, notwithstanding this, one Thomas Prys, chaplain, procured
 from the Pope a bull to be parson of the said church after the
 said vacancy, no mention being made of your title and right :
 the which Thomas and divers others who have combined
 together have shown and declared and assert at the court of
 the Pope that you, most gracious lord, have no right to present
 to any church, the temporalities being in your hands, by
 reason of a vacancy, unless by reason of the death of the
 Bishop of the same place—to the disherison of your crown
 and to the great damage and injury of the said John : Where-
 fore your said lieges pray you to ordain, according to your
 most wise discretion, a suitable remedy thereon against such
 persons as have made such declarations, with a view to the
 preservation of the right of your crown.

XIX. Also, your said lieges show that whereas the lieu- Power to the
 tenants and any other Governors whatsoever of your said lieutenant to
 land have, previously to the present time, had power to receive receive
 the homages of your tenants who hold of you, our most homage and
 sovereign lord, in chief, and those who at present are bound to present to the
 do their homage cannot do so, because your lieutenant King's
 that now is has no power to receive it, and so your beneficiaries.
 said tenants have to journey out of this country to your

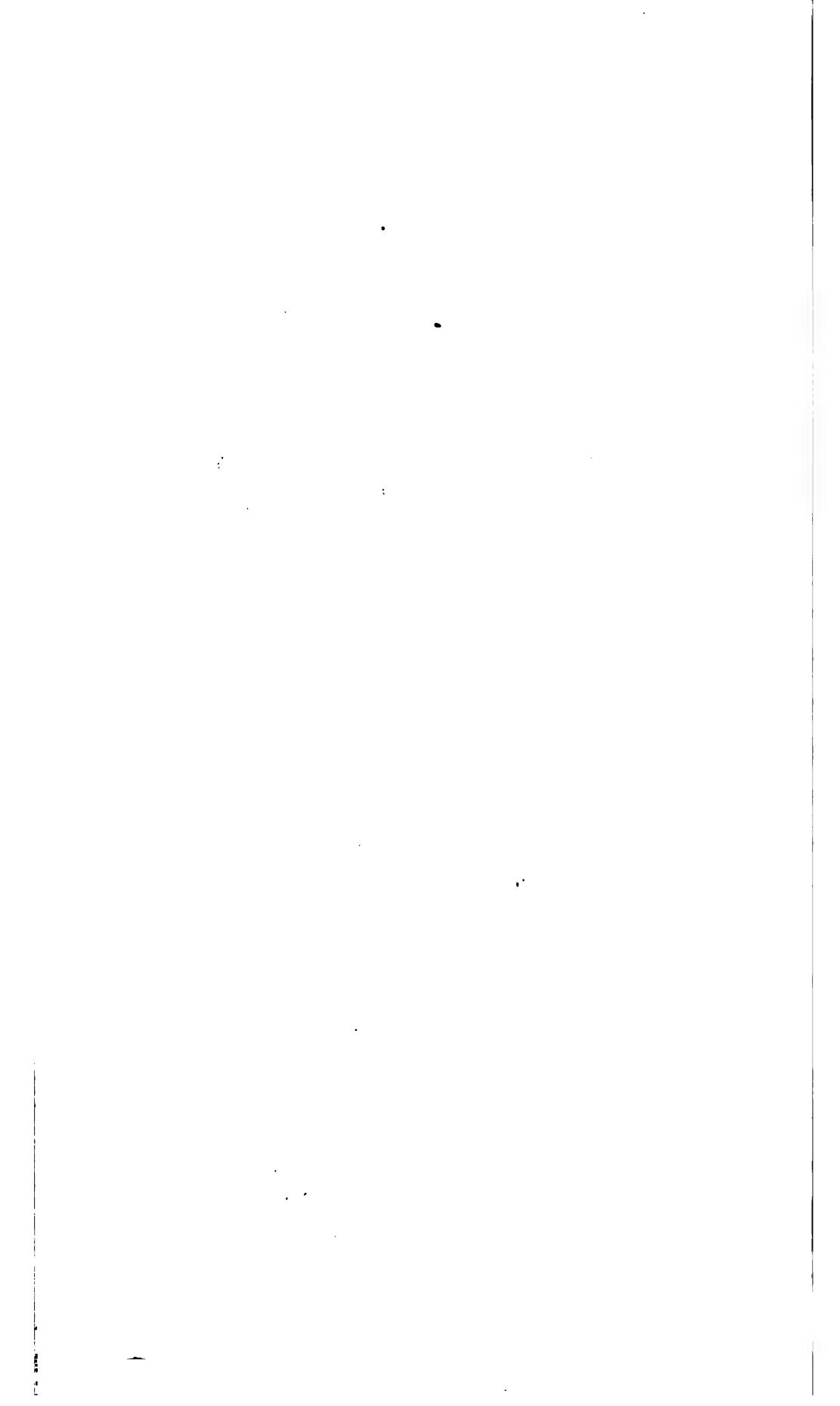
hautesse p^r ycelt faire et celle ſroit a g^{unde} anientisement de mesme vre fr^e a cause de resistance de vos enemys en ycel pont ſuppliont vos ditz lieges considerer lau^{ntdee} matier a g^{unter} sil vous pleſt a vre lieuten^{nt} qoreſt aſſ autres Goſnours de vre dit fr^e queux p^r le temps ſront pleyn poair de recey^u homage de vos ten^{ntz} au^{ntditz}. Et outre de g^{unp} a vre dit lieuten^{nt} pleyn poair de pſenſ aſſ collacione faire a toutz maſſes dignitees p^{bendes} eſgliseſ houſpitals Chauntries francz Chapelt aſſ autres bnficeſ de ſeynt eſglise q conqes oue cure ou ſaunz cure a vre donyceoñ collaſone ou pſentacione en qconq maſſe appteign^{ntz} ou eſpectant^z aſſ pſones hables, Considerant^z q en temps de tielx voidaunces lez dyuyneſ ſ^ruiceſ ſont g^{undement} ſuſtreeſ a lez almeſ deyn tieulx eſgliseſ nient gardeſ ne goſtineſ.

Et nre ſ^s excellent a ſ^s ſolayn fr^e liege en teſmoign^{unce} deſ d^{ces} poyn̄tes aſſ artiſles come deſuis ſount deſclares vre ſuant a pouer Chapleyn Hugh Banent deputee a mons^r Laurence M^obury vre Chaunceller en vre fr^e ſuid^{ce} vre g^{unde} ſeal en meſme vre fr^e en ſa garde eſteant al requeſt deſ d^{ces} ſ^s aſſ nous voz d^{ces} poſteſ cōeſ en vre dit plement fait ad doñ a vre dit Citee le xxvij iour daprile lane de vre ſ^s gracieoue reigne nieſiſſame.

highness to do so, and that would be to the great hurt of your said land, by reason of the opposition of your enemies in the same. Wherefore your said lieges pray you to consider the aforesaid matter, and grant, if it please you, to your lieutenant that now is and to the other Governors of your said land, for the time being, full power to receive homage from your tenants aforesaid. And further to grant to your said lieutenant full power to present and collate to all manner of dignities, prebends, churches, hospitals, chantries, free chapels, and other benefices of Holy Church whatsoever, with cure or without cure, in any way appertaining or relating to your donation, collation, or presentation, to suitable persons, seeing that during the period of such vacancies, divine services are largely withdrawn, and the souls in such churches are neither cared for nor governed.

And, our most excellent and most sovereign liege lord, in testimony of the said points and articles, as they are above declared, your servant and poor chaplain, Hugh Banent, deputy to sir Laurence Merbury, your Chancellor in your aforesaid land, at the request of the said lords and of us your said poor commons in your said parliament made, has [affixed] your great seal in your said land, being in his keeping. Given at your said city the 28th day of April in the ninth year of your most gracious reign.

[No answers of the King to these articles have been found.]



APPENDIX.

Statute of Henry II. (fitz Empress) as to election of a chief governor of Ireland, when that land should happen to be in want of a lawful governor. Henry II.

This statute occurs in recital in a Statute Roll (Irel.), 2 and 3 Rich. III., cap. 8, wherein it is confirmed and ratified.

Parliament said to have been held in Ireland, in which it was ordered that English laws and customs should be observed. 1210.
12 John.

(See p. 24 of this volume.)

Ordinance by the Council of the lord Edward at Castledermot, which provided that each person should recover his estate in lands, tenements, castles, wardships, goods and chattels, as the same were on the day of St. Nicholas in that year. 1264
48 Hen. III.

(Recited in a *Coram Rege* Roll, 4 Edw. I. (Eng.), *see Sweetman's Calendar, Ireland*, vol. 1252-84, p. 204.)

Ordinances made at Rathwire, co. Meath, by the Justiciar and the magnates of Meath and Kildare, as to Peter de Bermyngham having additional forces against the Irish felons, &c. 1299.
27 Edw. I.

(Calendar, Justiciary Rolls, pp. 286-7.)

Writ transmitting (for execution on a certain day in Ireland) an ordinance concerning the military order of the Temple in Ireland, their lands, &c. 1307.
1 Edw. II.

(Memoranda Roll (Exchequer), 1 Edw. II., m. 19.)

1820.
18 Edw. II. Petition in a full parliament at Dublin, by John de Tuyt for pardon of arrears, which was granted by the King, who ordered the Exchequer to acquit him of half.

(Patent Roll, 13 Edw. II., art. 80.)

1826.
19 Edw. II. In a parliament at Kilkenny, an aid of forces was granted for suppressing felons and rebels in co. Tipperary.

(Patent Roll, 20 Edw. II., art. 22.)

1842-3.
16 & 17 Edw.
III. The King transmitted to his Treasurer and Barons a transcript of an ancient statute used in the Exchequer of England, as to the levying of Queen's gold, commanding its enrolment and observance in Ireland. (This is believed to have been taken from the *Dialogus de Scaccario*, in the Red Book of the Exchequer, England.)

Memoranda Roll of the Exchequer, 16 and 17 Edw. III.

1860.
3 Feb.
34 Edw. III. Writ addressed to the sheriff of the cross of Kilkenny, &c., against people associating with the Irish, using their language, or sending children to be nursed among them.

(Red Book of Ossory, fol. 55; printed in 10th report Hist.
MSS. Com., App., part 5, p. 260.)

1869.
43 Edw. III. Proceedings in a parliament at Dublin as to grant of divers customs and charges, by the lesser part of said parliament, it being directly opposed by the greater part of the prelates, magnates, &c.

Recited in a writ to the Justiciar of Ireland, dated 28 May, 46° year. (Close Roll (Eng.), 46 Edw. III., m. 25.)

875.
49 Edw. III. Petition of parliament. Leave to Donald Omoghane minstrel, to reside among the English, &c., notwithstanding the Statute of Kilkenny.

(Patent Roll, 49 Edw. III., art. 158.)

Ordinances in a parliament at Tristeldermot as to a special guard being assigned for Carlow and neighbourhood during the parliament; as to the Justiciary's fees and allowances, &c., he to have a special guard.

1378.
1 Ric. II.

(Close Roll, 1 Ric. II., arts. 40, 42.)

Petition by the prior of St. Patrick's, Down, in a parliament held at Dublin, in this year, as to writs of summons to parliament having been sent to former priors of that house. It was not found that said prior or his predecessors had any royal writs to come to any royal parliaments, nor were they wont to come to such.

1380.
4 Ric. II.

(Close Roll, 4 Ric. II., art. 61.)

Enrolment of a memorandum as to the death, at Cork, of the Earl of March, justiciar of Ireland, on which writs were addressed to prelates, magnates, and representatives of counties and cities, who met at Cork, with the King's Council, and elected John Colton, chancellor, as justiciar, and he took the oaths.

1382.
5 Ric. II.

(Patent Roll, 5 Ric. II., part I., art. 39.)

Writ addressed to all to whom it shall come, conveying the terms of three English statutes—27 Edw. III. ; 31 Edw. III. ; and 4 Ric. II.—as to gauging of wines, &c. ; the first deals with Ireland. (No clause for observance here.)

1385.
9 Ric. II.

(Patent Roll, 9 Ric. II., art. 249.)

Recitals as to prelates, magnates, clergy, and commons representing certain counties, in Council, granting subsidies and armed men in aid of the wars.

1388.
12 Ric. II.

(Patent Roll, 12 Ric. II., arts. 187-9, 190, 220.)

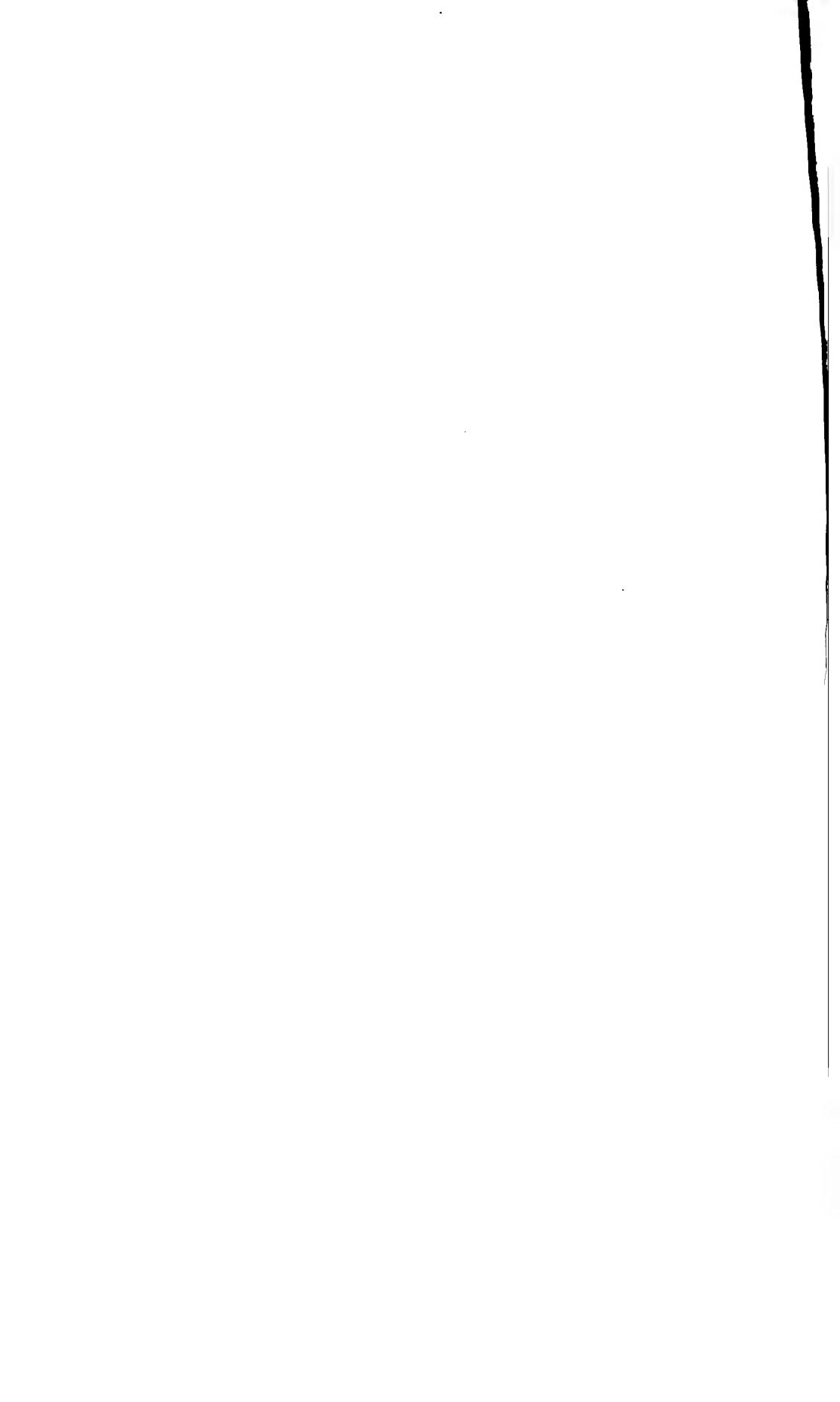
Proceedings in parliament, referring to the release of Nelan O'Neel, on his giving hostages.

1390.
13 Ric. II.

(Patent Roll, 13 Ric. II., art. 222.)

Modus tenendi parliamenta in Hibernia.

(A MS. edited by Anthony Dopping, bishop of Meath.)



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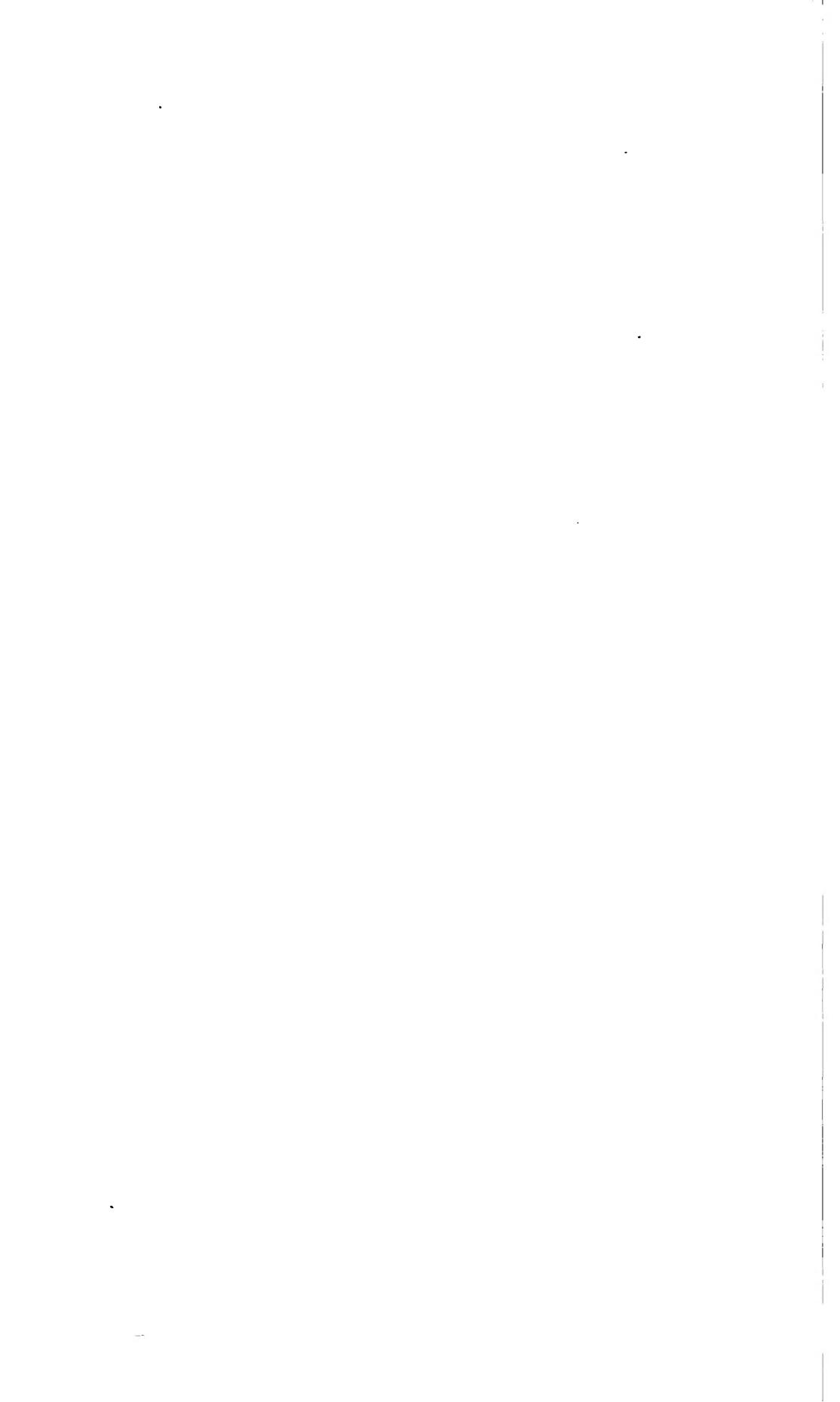
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CORRIGENDA.

p. 91, margin, for sheriffs *read* bailiffs.
p. 207, margin, for country *read* county.

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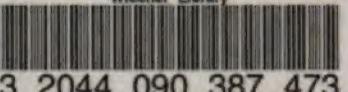


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